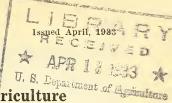
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United States Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT-

FOOD AND DRUG ADMINISTRATION

[Given pursuant to section 4 of the food and drugs act]

19676-19850

[Approved by the Secretary of Agriculture, Washington, D. C., March 25, 1933]

19676. Adulteration of bluefins. U. S. v. 2 Boxes of Bluefins. Decree of destruction entered. (F. & D. No. 27810. I. S. No. 53502. S. No. 5915.)

Fish taken from the interstate shipment involved in this action having been found to be infested with parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On March 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two boxes of bluefins at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about February 29, 1932, by Sam Johnson & Son's Fisheries, from Duluth, Minn., to Cincinnati, Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a fllthy, decomposed, and putrid animal substance, and for the

further reason that it consisted of a portion of an animal unfit for food. On March 7, 1932, the court having found that the product was spoiled and unfit for human consumption, a decree was entered ordering that the fish be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19677. Misbranding of butter. U. S. v. 90 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be repacked. (F. & D. Nos. 27914, 27915. I. S. Nos. 32770, 32771. S. Nos. 5953, 5957.)

This action involved the shipment of a quantity of butter, sample packages

of which were found to contain less than 1 pound, the labeled weight.

On March 15, 1932, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 cases of the said butter at Honolulu, Hawaii, consigned by Swift & Co., alleging that the article had been shipped from San Francisco, Calif., to Honolulu, Territory of Hawaii, on March 9, 1932, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Prints) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter 1 lb. Net Weight Distributed by Swift & Co., General Offices Chicago."

It was alleged in the libel that the article was misbranded in that the weight declared on the label of the containers was in excess of the actual weight of the butter contained therein, which label was false and misleading and deceived and misled the purchaser, since it represented that the contents of the package were of a certain weight, whereas they were less than so represented.

On March 18, 1932, Swift & Co., San Francisco, Calif., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered. On March 19, 1932, an order was entered by the court providing that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,400, conditioned that it be reshipped to San Francisco, Calif., to be repacked, and that it should not be sold in violation of the Federal food and drugs act, or the laws of the Territory of Hawaii.

19678. Adulteration of butter. U. S. v. S Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable associations. (F. & D. No. 27890. I. S. No. 5384. S. No. 5874.)

Samples of butter taken from the shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 19, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 1, 1932, by Lee Gangeness Creamery Co., from Hettinger, N. Dak., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as

provided by the act of March 4, 1923.

On March 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable institutions.

HENRY A. WALLACE, Secretary of Agriculture.

19679. Adulteration of canned prunes. U. S. v. 200 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. & D. No. 25931. I. S. No. 14774. S. No. 4159.)

Samples of canned prunes from the shipment involved in this action having been found to be decomposed, the Secretary of Agriculture reported the matter

to the United States attorney for the District of Kansas.

On or about February 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 cases of canned prunes, remaining in the original unbroken packages at Arkansas City, Kans., alleging that the article had been shipped in interstate commerce, on or about November 15, 1930, by the Ray-Maling Co., from Hillsboro, Oreg., to Arkansas City, Kans., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Santa Fe Brand Italian Prunes * * Packed for the Ranney-

Davis Mercantile Co., Arkansas City."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance. On March 21, 1932, no claimant having appeared for the property, judgment

of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19680. Adulteration and misbranding of canned corn. U. S. v. 1,663 Cas of Canned Corn. Consent decree of condemnation and forfeitus Product released under bond. (F. & D. No. 27787. I. S. No. 395 U. S. v. 1,663 Cases S. No. 5883.)

This action involved a quantity of canned corn which was represented to be Fancy grade, and which upon examination was found to be below the declared

grade.

On February 26, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 1,663 cases, each containing 24 cans of corn, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Princeville Canning Co., Princeville, Ill., in various consignments, on or about January 10, April 9, April 23, and April 24, 1931, and had been transported from the State of Illinois into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Royal Prince Fancy Country Gentle-* Packed by Princeville Canning Co. Princeville, Ill." man Sugar Corn * *

It was alleged in the libel that the article was adulterated in that corn of a different and lower grade had been substituted for canned corn of Fancy grade,

which the said article purported to be.

Misbranding was alleged for the reason that the designation "Fancy," borne on the label, was false and misleading and deceived and misled the purchaser, since it represented that the corn was of a grade known as Fancy, whereas

it was not, but was corn of a different and lower grade.

On March 28, 1932, the Princeville Canning Co., Princeville, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, Secretary of Agriculture.

19681. Adulteration of bluefins. U. S. v. 10 Boxes, et al., of Bluefins. Decrees of condemnation and destruction entered. (F. & D. Nos. 27783, 27809, 27904. I. S. Nos. 43305, 43308, 43315, 43316. S. Nos. 5885, 5916, 5944, 5945.)

These actions involved the interstate shipment of bluefins, samples of which

were found to be infested with parasitic worms.

On February 26, March 4, and March 10, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 76 boxes of bluefins, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce between the dates of February 18 and March 4, 1932, by the Hogstad Fish Co., from Duluth, Minn., to Pittsburgh, Pa., and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged with respect to 66 boxes of the product for the further reason

that it consisted of portions of animals unfit for food.

On March 1, March 4, and March 11, 1932, no claim having been interposed for the property, and the respective consignees having consented to its destruction, judgments of condemnation were entered and it was ordered by the court that the fish be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19682. Adulteration and misbranding of canned tuna fish. U. S. v. 14
Cases of Canned Tuna Fish. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27801. I. S.
No. 22637. S. No. 5894.)

This action involved a shipment of canned tuna fish, samples of which were found to contain less than the declared weight. The product also was found to

contain excessive oil.

On March 3, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of the said canned tuna fish, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about February 13, 1932, by the Franco-Italian Packing Co., from Los Angeles, Calif., to Seattle, Wash., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Contents 13 Oz. Reliance Brand NGC Tuna Fish Packed for National Grocery Co., Seattle, Wash."

It was alleged in the libel that the article was adulterated in that excessive

oil had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Contents 13-Oz." was false and misleading, and deceived and misled the purchaser.

On March 11, 1932, the Johnson-Lieber Co. (Inc.), having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this department, and that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

19683. Adulteration of herring. U. S. v. 6 Boxes of Herring. Decree of condemnation and destruction entered. (F. & D. No. 27804. I. S. No. 43307. S. No. 5909.)

Herring taken from the interstate shipment involved in this action having been found to be infested with parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Western District

of Pennsylvania.

On March 3, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six boxes of the said herring, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about February 25, 1932, by Sam Johnson & Son's Fisheries, from Duluth, Minn., to Pittsburgh, Pa., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in

that it consisted of portions of animals unfit for food.

On March 3, 1932, no claim having been interposed for the property, and the consignee having consented to its destruction, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19684. Adulteration of herring. U. S. v. 10 Boxes of Herring, et al. Decrees of destruction entered. (F. & D. Nos. 27790, 27897. I. S. Nos. 52787, 53507, 53508. S. Nos. 5893, 5940.)

Examination of fish (herrings, bluefins) taken from the interstate shipments involved in these actions having shown that the article was infested with parasitic worms, the Secretary of Agriculture reported the matter to the United

States attorney for the Southern District of Ohio.

On February 29 and March 11, 1932, the United States attorney filed in the United States District Court libels praying seizure and condemnation of 130 boxes of the said fish at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about February 23, 1932, and March 3, 1932, by the Lake Superior Fish Co., from Duluth, Minn., to Cincinnati, Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On March 1 and March 11, 1932, the court having found that the product was spoiled and unfit for human consumption, decrees were entered by the court in the respective cases ordering that the marshal destroy the tish immediately.

HENRY A. WALLACE, Secretary of Agriculture.

19685. Adulteration and misbranding of butter. U. S. v. 13 Boxes of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 27934. I. S. No. 46570. S. No. 5961.) released under

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard pre-

scribed by Congress.

On or about February 27, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 18, 1932, by Armour Creameries, from Pocatello, Idaho, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in

part for butter.

Misbranding was alleged for the reason that the statements appearing on the carton, "Armour's Cloverbloom Full Cream Butter One Pound Net Weight Distributed by Armour Creameries, General Offices, Chicago * * * Armour's Full Cream Guaranteed," were false and misleading, since the article contained less than 80 per cent of milk fat.

On March 8, 1932, claim and answer having been filed, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act and all other laws, and further conditioned that it be reworked under the supervision of this department.

HENRY A. WALLACE, Secretary of Agriculture.

19686. Adulteration of frozen tullibees. U. S. v. 250 Boxes of Frozen Tullibees. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27786, I. S. No. 29070. S. No. 5882.)

Frozen tullibees taken from the import shipment involved in this action were found, upon examination, to be infested with the cysts of parasitic worms.

On February 26, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 250 boxes of frozen tullibees at New York, N. Y., alleging that the article had been shipped by the Rousseau Lumber Co., from Winnipeg, Manitoba, Canada, on or about February 17, 1932, to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in that

it consisted of portions of animals unfit for food.

On March 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19687. Adulteration of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27891. I. S. No. 5381. S. No. 5870.)

Samples of butter taken from the interstate shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 16, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 2, 1932, by the Danube Creamery Co., from Danube, Minn., to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as

provided by the act of March 4, 1923.

The Great Atlantic & Pacific Tea Co., New York, N. Y., interposed a claim for the property as agent for the Danube Creamery, Danube, Minn., admitted the allegations of the libel, consented to the entry of a decree and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On March 5, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked, so that it comply with the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19688. Adulteration of butter. Consent decree of condemnation and for-feiture. Product released under bond. U. S. v. 10 Tubs of Butter. (F. & D. No. 27885. I. S. No. 5383. S. No. 5873.)

Samples of butter taken from the interstate shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 19, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Green Isle Creamery, Green Isle, Minn., through the Arlington Creamery Association, Arlington, Minn., on or about February 10,

1932, and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as

provided by the act of March 4, 1923.

On February 29, 1932, the Fox River Butter Co. (Inc.) New York, N. Y., interposed a claim for the property as agent for the owner, the Green Isle Farmers Cooperative Creamery (Inc.), Green Isle, Minn., and admitted the allegations of the libel, consented to the entry of a decree and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On March 5, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked, so that it comply with the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19689. Adulteration and misbranding of pecans. U. S. v. 300 Bags, et al., of Pecans. Decrees entered ordering product released under bond to be sorted, and unfit portion destroyed. (F. & D. Nos. 27929, 27936. I. S. Nos. 50649, 50650. S. Nos. 5971, 5984.)

Samples of pecans from the shipments involved in these actions were found to be wormy, moldy, and decomposed. The packages containing a portion of the article were not labeled with a statement of the quantity of the contents.

On March 17 and March 21, 1932, the United States attorney for the Eastern District of Missouri acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 323 bags of the said pecans, remaining in the original unbroken packages at St. Louis, Mo., consigned by H. L. Cromartie, Albany, Ga., in part on March 8, 1932, and in part on March 10, 1932, alleging that the article had been shipped in interstate commerce from Albany, Ga., to St. Louis, Mo., and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libels that the article was adulterated in that it con-

sisted in part of a decomposed vegetable substance.

It was further alleged that a portion of the article was misbranded for the

reason that the net weight was not declared.

On March 22, and 28, 1932, respectively, the F. W. Woolworth Co., St. Louis, Mo., having appeared as claimant for the property and having tendered bond in the sum of \$1,500, in accordance with section 10 of the act, the court ordered the bonds approved and the nuts delivered to the claimant to be cracked under the supervision of the department, the meats graded, the unfit portion destroyed, and the fit portion released. It was further ordered by the court that claimant pay costs of the proceedings.

HENRY A. WALLACE, Secretary of Agriculture.

19690. Adulteration of butter. U. S. v. 3 Cubes of Butter. Product released under bond to be reconditioned. (F. & D. No. 28284. I. S. No. 46581. S. No. 6128.)

Samples of butter taken from the shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the

United States attorney for the Southern District of California.

On March 23, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three tubs of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about March 19, 1932, by the B A C Dairy, from Cedar City, Utah, to Los Angeles, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From B A C Dairy Cedar City, Utah."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in

part for butter.

Joseph Thorup, Los Angeles, Calif., entered an appearance and claim, admitted the allegations of the libel, and prayed release of the product upon the

filing of an undertaking that claimant would not dispose of the butter in violation of the Federal food and drugs act, and would pay costs of the proceedings and of the reconditioning of the product under the supervision of this department. On March 23, 1932, the claimant having deposited cash bond in the sum of \$50, the court ordered the butter released for reconditioning in accordance with the conditions of the bond.

HENRY A. WALLACE, Secretary of Agriculture.

19691. Adulteration of poultry. U. S. v. 123 Barrels of Poultry. Decree of condemnation and forfeiture. Product released under bond to be salvaged, and unfit portion destroyed. (F. & D. No. 27911. I. S. No. 48151. S. No. 5949.)

Poultry taken from the shipment involved in this action having been found, upon examination, to be diseased and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massa-

On March 14, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 123 barrels of poultry, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about February 23, 1932, by the Mandan Creamery & Produce Co., from Mandan, N. Dak., to Boston, Mass., and charging adultonation in violation of the food and alleging in violation of the food and alleging in violation of the food and alleging adultonation in violation of the food and alleging the continuous and the food and alleging the continuous account of the food and alleging the continuous account of the food and alleging the continuous account of the contin teration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance,

and in that it was the product of diseased animals.

On March 18, 1932, the Mandan Creamery & Produce Co., Mandan, N. Dak., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$500, in lieu of bond, conditioned that it should not be disposed of contrary to the provisions of the Federal food and drugs act, and all other laws. It was further ordered by the court that the unfit portion be separated from the remainder, under the supervision of this department, and destroyed.

HENRY A. WALLACE, Secretary of Agriculture.

dulteration of bluefins. U. S. v. 4 Boxes of Bluefins. Decree of condemnation and destruction entered. (F. & D. No. 27893. I. S. No. 43314. S. No. 5942.) 19692. Adulteration of bluefins.

Samples of bluefins taken from the interstate shipment involved in this action having been found to be infested with parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Western

District of Pennsylvania.

On March 10, 1932, the United States attorney filed in the District Court a libel praying seizure and condemnation of four boxes of the said bluefins, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce by the Lake Superior Fish Co., from Duluth, Minn., to Pittsburgh, Pa., on or about March 5, 1932, and charging adulteration in violation of the food and drugs acquire the libel that the article was adulterated in the libel that the article was adulterated.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance, and in that

it consisted of portions of animals unfit for food.

On March 11, 1932, the consignee having consented to the entry of a decree, and no other person having interposed, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19693. Adulteration of bluefins. U. S. v. 2 Boxes of Fish (Bluefins). Decree of destruction entered. (F. & D. No. 27924. I. S. No. 20592. S. No. 5969.)

Samples of bluefins taken from the shipment involved in this action having been found to be infested with parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Kentucky.

On March 17, 1932, the United States attorney filed in the District Court of the United States a libel praying seizure and condemnation of two boxes of

bluefins at Covington, Ky., consigned by the Hogstad Fish Co., Duluth, Minn., March 11, 1932, alleging that the article had been shipped from Duluth, Minn., to Covington, Ky., and charging adulteration in violation of the food and drugs

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On March 17, 1932, the court having found that the product was spoiled and unfit for human consumption, a decree was entered ordering that it be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19694. Adulteration and misbranding of butter. U. S. v. 55 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27931. I. S. Nos. 50727, 50734. S. No. 5935.)

Samples of butter taken from the interstate shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois. On or about February 24, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying

seizure and condemnation of 55 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on January 22, 1932, by the Blue Valley Creamery Co., from Parsons, Kans., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Blue Valley Butter * * * Blue Valley Creamery Co. * * * Chicago, Ill."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for said article. Adulteration was alleged for the further

reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On March 1, 1932, the Blue Valley Creamery Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19695. Adulteration of herring. U. S. v. 20 Boxes, et al., of Herringsent decree of condemnation, forfeiture, and destruction. D. Nos. 27805, 27905. I. S. Nos. 43306, 43317. S. Nos. 5910, 5946.) Con-

Herring taken from the shipments involved in these actions were found,

upon examination, to be infested with parasitic worms and cysts.

On March 3 and March 10, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 25 boxes of herring, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, in part on or about February 25, 1932, and in part on or about March 4, 1932, by the Booth Fisheries Co., from Duluth, Minn., to Pittsburgh, Pa., and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in

that it consisted of portions of animals unfit for food.

On March 3 and March 11, 1932, the Booth Fisheries Co., Duluth, Minn., having consented to the entry of decrees, and no claim having been interposed by any other person, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19696. Adulteration of apples. U. S. v. 169 Cases of Apples. No claim entered. Verdict for the Government. Decree of condemnation and forfeiture. Product ordered destroyed, or made fit for human consumption and delivered to charitable institutions. (F. & D. No. 27776. I. S. Nos. 47146, 47147. S. No. 5868.)

Arsenic and lead having been found on apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United

States attorney for the Western District of Louisiana.

On February 25, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 169 cases of apples, remaining in the original unbroken cases at Shreveport, La., alleging that the article had been shipped by the Northwestern Fruit Growers Exchange, from Wenatchee, Wash., on or about January 22, 1932, and had been transported in interstate commerce from the State of Washington into the State of Louisiana, and charging adulteration in violation of the food and drugs act as amended. The product was labeled in part: "Skookum Fancy Mountain Goat Brand Wenatchee Apples Distributed by Northwestern Fruit Growers Exchange Wenatchee Washington."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which

might have rendered it injurious to health.

On March 21, 1932, no claimant having appeared for the property and a jury having found that the allegations of the libel were true and correct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. The decree provided that the marshal, if practicable, have the apples processed to make them noninjurious and delivered to charitable institutions.

HENRY A. WALLACE, Secretary of Agriculture.

19697. Adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$600 and costs. (F. & D. No. 27443. I. S. No. 21806.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress. Samples of the article also

were found to be short weight.

On December 15, 1931, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about March 17, 1931, from the State of Colorado into the State of Texas, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "1 lb. Net Weight Distributed by Swift & Company * * * Cresta Creamery Butter."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the article

purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Butter" and "1 lb. Net Weight," were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, in that they represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat, and that each package contained 1 pound net weight, whereas it contained less than 80 per cent of milk fat and the packages contained less than 1 pound net weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 2, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$600 and costs.

19698. Adulteration of figs. U. S. v. Albert Asher (Albert Asher Co.). Plea of guilty. Fine, \$50. (F. & D. No. 27433. I. S. No. 11169.)

This action was based on a shipment of figs, samples of which were found

to be wormy and moldy.

On March 28, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Albert Asher, trading as the Albert Asher Co., San Francisco, Calif., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 30, 1931, from the State of California into the State of Idaho of a quantity of figs that were adulterated. The article was labeled in part: "Progress Brand Choice California Black Figs Packed by Albert Asher Co., San Francisco, California."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegeta-

ble substance.

On April 12, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

HENRY A. WALLACE, Secretary of Agriculture.

19699. Misbranding of butter. U. S. v. Swift & Co., a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 27430. I. S. No. 25474.)

This action was based on a shipment of butter, samples of which were found

to be short weight.

On November 27, 1931, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, trading at Springfield, Mo., alleging shipment by said company in violation of the food and drugs act, as amended, on or about June 2, 1931, from the State of Missouri into the State of Arkansas of a quantity of butter that was misbranded. The article was labeled in part: (Wrapper) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter * * 1 Lb. Net Weight."

It was alleged in the information that the article was misbranded in that the statement "1 Lb. Net Weight" was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than represented.

On April 4, 1932, a plea of guilty to the information was entered on behalf of

the defendant company, and the court imposed a fine of \$20.

HENRY A. WALLACE, Secretary of Agriculture.

19700. Adulteration of canned shrimp. U. S. v. 26 Cases of Canned Shrimp.
Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26521 I. S. Nos. 22082, 23016. S. No. 4826.)

This action was based on a shipment of canned shrimp, samples of which

were found to be partially decomposed.

On June 23, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 cases of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, in part on or about December 3, 1930, and in part on or about February 19, 1931, consigned by the Pelican Lake Oyster & Packing Co., Houma, La., to San Francisco, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "S and W Large Size Shrimp Contents Weight 8½ Oz. Metric Equivalent 234 Grams. Sussman, Wormser & Co. Distributers San Francisco, Cal."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed animal substance.

On August 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

19701. Adulteration and misbranding of Jack Sprat grape flavor gelatin dessert powder. U. S. v. Western Grocer Co., a corporation. Plea of guilty. Fine of \$40 and costs. (F. & D. No. 27441. I. S. Nos. 24923, 24996.)

This action was based on the interstate shipment of quantities of gelatin

dessert powder which was found to contain artificial grape flavoring.

On March 21, 1932, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Western Grocer Co., a corporation, Marshalltown, Iowa, alleging shipment by said company, under the name of Western Grocer Mills, in violation of the food and drugs act, on or about March 12, 1931, from the State of Iowa into the State of Minnesota, of quantities of gelatin dessert powder that was adulterated and misbranded. The article was labeled in part: (Shipping package) "Grape Jack Sprat Jelly Powder;" (retail carton) "Jack Sprat Grape Flavor Gelatin Dessert Powder composed of pure gelatine, sugar, pure fruit flavor, fruit acid from grapes and vegetable color. * * * Packed by Western Grocer Mills, Marshalltown, Iowa."

It was alleged in the information that the article was adulterated in that an imitation grape flavored gelatin dessert powder had been substituted for grape jelly powder and for grape flavor gelatin dessert powder, which the article

purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Grape * * * Jelly Powder," "Grape Flavor Gelatin Dessert Powder," and "Pure Fruit Flavor," were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it was not grape jelly powder, and was not grape flavor gelatin dessert powder composed in part of pure fruit flavor, but was an artificially colored and flavored product which contained little, if any, grape.

On April 9, 1932, a plea of guilty to the information was entered an behalf

of the defendant company, and the court imposed a fine of \$40 and costs.

HENRY A. WALLACE, Secretary of Agriculture.

19702. Adulteration of butter. U. S. v. 6 Tubs, More or Less, of Butter. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 27832. I. S. Nos. 43132, 43142. S. Nos. 5824, 5867.)

Samples of butter from the interstate shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On February 5, 1932, the United States attorney filed in the District Court of the United States a libel praying seizure and condemnation of six tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa. On February 15, 1932, the libel was amended to cover 12 tubs of butter. It was alleged in the libel as amended that the article had been shipped by the Groveport Creamery, from Groveport, Ohio, in part on about February 3, 1932, and in part on or about February 10, 1932, and had been transported from the State of Ohio into the State of Pennsylvania, and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product containing less than 80 per cent of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat.

On February 17, 1932, Crawford & Lehman (Inc.), Philadelphia, Pa., having appeared as claimants for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$150 conditioned that it should not be sold or otherwise disposed of contrary to the laws of the United States or of any State, Territory, District, or insular possession, and further, that it be reconditioned under the supervision of this department.

HENRY A. WALLACE, Secretary of Agriculture.

19703. Adulteration of walnut meats. U. S. v. 33 Cartons of Mayer's Walnut Meats. Decree of condemnation and destruction. (F. & D. No. 23654. I. S. Nos. 07339, 07340, 07341. S. No. 1896.)

This action was based on shipments of walnut meats, samples of which were found to be worm-eaten, rancid, and moldy.

On April 23, 1929, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court

of the United States for the district aforesaid a libel praying seizure and condemnation of 33 cartons of walnut meats at Billings, Mont., alleging that the article had been shipped in interstate commerce, in part on or about December 17, 1928, and in part on or about March 2, 1929, by Leon Mayer, from Los Angeles, Calif., to Billings, Mont., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mayers California Standard Amber," "Mayers Amber Halves and Quarters," or "Standard Amber Pieces."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 15, 1931, the case came on for final disposition before the court on motion of the United States attorney for judgment on the pleadings. On March 30, 1932, a decree of condemnation was entered and it was ordered by the court that the product be destroyed and that libelee be taxed costs of the proceedings.

HENRY A. WALLACE, Secretary of Agriculture.

19704. Adulteration and misbranding of minced clams. U. S. v. Mat Wolford (Ocean Park Packing Co.). Plea of guilty. Fine, \$75 and costs. (F. & D. No. 27425. I. S. No. 22230.)

This action was based on a shipment of canned minced clams, samples of

which were found to contain excessive liquid.

On February 2, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Mat Wolford, a member of a copartnership trading as Ocean Park Packing Co., Ocean Park, Wash., alleging shipment by said defendant, in violation of the food and drugs act, on or about April 24, 1931, from the State of Washington into the State of Oregon, of a quantity of canned minced clams that were adulterated and misbranded. The article was labeled in part: "Ocean Park Brand Willapa Bay Minced Clams * * * Packed by Ocean Park Packing Co., Russell & Wolford Ocean Park, Washington."

It was alleged in the information that the article was adulterated in that

It was alleged in the information that the article was adulterated in that excessive brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in

part for minced clams, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Minced Clams," borne on the can label, was false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the statement represented that the article consisted wholly of minced clams, whereas it did not but did consist in part of excessive brine.

On April 29, 1932, the defendant entered a plea of guilty to the information,

and the court imposed a fine of \$75 and costs.

HENRY A. WALLACE, Secretary of Agriculture.

19705. Adulteration and misbranding of butter. U. S. v. 17 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27817. I. S. No. 32509. S. No. 5907.)

This action involved a shipment of ladled butter, which was rancid, de-

composed, and below invoiced grade.

On March 5, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 tubs of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about February 8, 1932, by the Fairmont Creamery Co., from Omaha, Nebr., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Order Fairmont Creamery Co. San Francisco, Calif.," and was invoiced "Number 1 Ladles."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance. Adulteration was alleged for the further reason that a product below invoiced grade had been substituted

in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal,

HENRY A. WALLACE, Secretary of Agriculture.

19706. Adulteration of canned frozen eggs. U. S. v. 675 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27825. I. S. No. 39523. S. No. 5930.)

Samples of canned frozen eggs taken from the shipment involved in this action having been found to be decomposed and putrid, the Secretary of Agriculture

reported the matter to the United States attorney for the District of Maryland. On March 10, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 675 cans of frozen eggs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about March 21, 1931, by the Kraft-Phenix Cheese Corporation, from Dallas, Tex., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Kraft-Phenix Cheese Corporation."

It was alleged in the libel that the article was adulterated in that it consisted

in part of a decomposed and putrid animal substance.

On March 22, 1932, the Kraft-Phenix Cheese Corporation, Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, Secretary of Agriculture.

19707. Adulteration of bluefins. U. S. v. 3 Boxes, et al., of Bluefins. Decrees of destruction entered. (F. & D. Nos. 27788, 27789, 27812, 27813. I. S. Nos. 50080, 52780, 52786, 53503. S. Nos. 5889, 5892, 5917, 5918.)

These actions involved several interstate shipments of fish, samples of which

were found to be infested with parasitic worms.
On February 29 and March 7, 1932, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of nine boxes of bluefins, in part at Cincinnati, Ohio, and in part at Columbus, Ohio, alleging that the article had been shipped in interstate commerce between the dates of February 23 and March 1, 1932, by the Hogstad Fish Co., from Duluth, Minn., to Cincinnati and Columbus, Ohio, respectively, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance,

and in that it consisted of portions of animals unfit for food.

On February 29 and March 7, 1932, the court having found that the product was spoiled and unfit for human consumption, decrees were entered ordering that the fish be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19708. Misbranding of canned minced clams. U. S. v. 25 Cases of Canned Minced Clams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27742. I. S. No. 32337. S. No. 5832.) forfeiture, and

This action involved the interstate shipment of a quantity of canned minced clams, sample cans of which were found, upon examination, to contain less than the declared weight. Examination further showed that some of the cans fell below the standard of fill of container promulgated by this department, and

that they were not labeled to show that they were slack-filled.

On February 11, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cases of canned minced clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about January 29, 1932, from

Seattle, Wash., to San Francisco, Calif., by the K. C. B. Canning Co. (K. C. B. Cannery (Inc.)), and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "K. C. B. Minced White Clams * * * Packed by K. C. B. Cannery, Inc., Seattle, Wash. Net Weight

7½ oz."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Net Weight 7½ oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, since the contents occupied less than 90 per cent of the volume of the closed container and the label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On March 9, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that

the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19709. Adulteration of celery. U. S. v. 352 Crates, et al., of Celery. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27949, 27975. I. S. Nos. 43173, 43178. S. Nos. 6001, 6003.)

Arsenic having been found on samples of celery taken from the shipments involved in these actions, the Secretary of Agriculture reported the matter to

the United States attorney for the Eastern District of Pennsylvania:

On March 22 and March 24, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 704 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, in part on or about March 17, 1932, and in part on or about March 19, 1932, by Chase & Co., from Sanford, Fla., to Philadelphia, Pa., and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Precooled and Each Stalk Washed, Chase & Co., Sanford, Florida."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have

rendered it injurious to health.

On March 23 and March 24, 1932, Fred Morinelli, jr., Philadelphia, Pa., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,400, conditioned in part that it should not be sold or otherwise disposed of contrary to the laws of the United States or of any State, Territory, District, or insular possession, and that it should be reconditioned under the supervision of this department. In supervising the reconditioning this department required the complete removal of the arsenic by washing or other means.

HENRY A. WALLACE, Secretary of Agriculture.

19710. Adulteration of tomato catsup. U. S. v. 553 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27192. I. S. No. 37005. S. No. 5360.)

Samples of canned tomato catsup involved in this action were found to con-

tain excessive mold.

On November 2, 1931, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 553 cases of tomato catsup at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce, on or about September 19, 1931, by the Smith Canning Co., from Layton, Utah, to Fort Worth, Tex., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Victor Brand Catsup * * * Packed by Smith Canning Co., Clearfield, Utah."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed vegetable substance.

On April 8, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19711. Adulteration of shredded figs. U. S. v. 1,054 Boxes and 588 Boxes of Shredded Figs. Consent decrees of condemnation and destruction entered. (F. & D. Nos. 27631, 27632. I. S. Nos. 37228, 37229. S. tion entered. Nos. 5667, 5671.)

Samples of figs from the shipments herein described having been found to be insect-infested and moldy, the Secretary of Agriculture reported the matter

to the United States attorney for the Northern District of Texas.

On January 6, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,642 boxes of shredded figs at Dallas, Tex., alleging that the article had been shipped by the California Packing Corporation, from Fresno, Calif., in part on or about August 23, 1931, and in part on or about October 24, 1931, and had been transported from the State of California into the State of Texas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance, viz, figs that were dirty, moldy, and infested with insects.

On January 27, 1932, the California Packing Corporation, Fresno, Calif., and the consignee in whose possession the goods were seized, having consented to the destruction of a portion of the product, judgment of condemnation was entered and it was ordered by the court that the said portion be destroyed by the United States marshal. On February 18, 1932, the intervenors having represented to the court that the remaining figs constituted a nuisance and having prayed that they be destroyed, judgment was entered ordering their condemnation and immediate destruction.

Henry A. Wallace, Secretary of Agriculture.

19712. Adulteration and misbranding of olive oil. U. S. v. Anthony Maggiore (Oriental Products Co.). Plea of guilty. Fine, \$200 and costs. (F. & D. No. 26683. I. S. Nos. 17266, 17267, 17268.)

This action was based on interstate shipments of quantities of a product invoiced as Roma oil, billed and labeled on the case "Olive Oil," and bearing on the can labels statements in the Italian language and a picture of the Colosseum at Rome. Examination showed that the article consisted largely of cottonseed oil with little, if any, olive oil present. The article was in quart, half-gallon, and gallon containers, samples of each of which sizes were

found short of the declared volume.

On November 10, 1931, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, an information against Anthony Maggiore, trading as Oriental Products Co., Canton, Ohio, alleging shipment by said defendant in violation of the food and drugs act as amended, from the State of Ohio into the State of Michigan, in part on or about December 15, 1930, and in part on or about February 4, 1931, of quantities of alleged olive oil that was adulterated and misbranded. The article was billed as olive oil and was labeled: (Case) "Roma Olive Oil Packed by Oriental Products Co., New York;" (can) "Olio Sopraffino Per Uso Tavola E Medicinale Roma [design of Colosseum at Rome] Il Famoco Antico Anfiteatro D'Italia Net Contents One Quart [or "Half Gallon" or "Gallon"] Questo Olio Roma E Impaccato Dalla Stessa Ditta Che Impacca L'Olio Puro D'Oliva Marca Iberio, É Che Importa Il Famoso Olio D'Oliva Porto Maurizio Italia."

It was alleged in the information that the article was adulterated in that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for olive oil, which the article purported to be. Adulteration was alleged for the further reason that the article was sold under a name recognized in the United States Pharmacopæia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said

pharmacopæia official at the time of investigation, since it was sold as olive oil and was composed in large part of cottonseed oil; and its own standard of strength, quality, and purity was not plainly stated on the cases and cans

containing the article.

Misbranding was alleged for the reason that the statement "Olive Oil," borne on the cases, and the statements in Italian translated into English, "Extra fine oil for table and medicinal use—Roma * * * This Roma is packed by the same firm that packs Iberia, and which imports the famous olive oil from Porto Maurizia, Italy," together with the pictorial design of the Colosseum at Rome, and the statements in English, "Net Contents One Quart," "Net Contents Half-Gallon," and "Net Contents One Gallon," borne on the can labels, were false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements and design represented that the article was olive oil, that it was an imported foreign product and that the cans contained 1 quart, one-half gallon, or 1 gallon of the said article, whereas it was not olive oil, it was not an imported foreign product, and each of a number of the cans from each size contained less than labeled. Misbranding was alleged for the further reason that the article was an imitation of another article, to wit, olive oil, and in that it was offered for sale under the distinctive name of another article, to wit, olive oil. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since each of a number of the cans of each size contained less than labeled.

On April 23, 1932, the defendant entered a plea of guilty to the information,

and the court imposed a fine of \$200 and costs.

HENRY A. WALLACE, Secretary of Agriculture.

19713. Adulteration of dried figs and dried peaches. U. S. v. Glanzer Bros., a Corporation. Plea of guilty. Fine, \$60. (F. & D. No. 26657. I. S. Nos. 9633, 11612, 11613.)

This action involved the interstate shipment of quantities of dried figs and dried peaches, samples of which were found to be insect-infested, decayed, dirty,

moldy, or sour.

On April 4, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Glanzer Bros., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the food and drugs act, on or about November 1, 1930, from the State of California into the State of New York, of quantities of dried figs and dried peaches that were adulterated. The articles were labeled in part: "Fancy Mission Black Figs G. B. N. Y.;" "Ex. Fancy Calimyrna G. B. N. Y.;" "Staghound Extra Fancy Muir Peaches."

It was alleged in the information that the articles were adulterated in that

they consisted in part of filthy and decomposed vegetable substances.

On April 13, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$60.

HENRY A. WALLACE, Secretary of Agriculture.

19714. Misbranding of butter. U. S. v. Swift & Co., a Corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 26530. I. S. No. 6308.)

This action involved the interstate shipment of a quantity of butter, sample packages of which were found upon examination to contain less than 1 pound,

the declared weight.

On October 14, 1931, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, trading at West Point, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 8, 1930, from the State of Missispipi into the State of Louisiana, of a quantity of butter that was misbranded. The article was labeled in part: "Swift's Premium Quality Brookfield Pasteurized Creamery Butter * * * 1 Lb. Net Weight Distributed by Swift & Company U. S. A."

It was alleged in the information that the article was misbranded in that the statement "1 Lb. Net Weight" was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages did not contain 1 pound net weight but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 5, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and

costs.

HENRY A. WALLACE, Secretary of Agriculture.

19715. Misbranding of peanut meal. U. S. v. Camilla Cotton Oil Co. Plea of guilty. Fine, \$25. (F. & D. No. 26541. I. S. No. 18566.)

This action was based on the interstate shipment of a quantity of peanut meal

that contained less protein and more fiber than declared on the label.

On January 30, 1932, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Camilla Cotton Oil Co., a corporation, Camilla, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about February 11, 1931, from the State of Georgia into the State of Maryland, of a quantity of peanut meal that was misbranded. The article was labeled in part: (Tag) "High Grade Peanut Meal * * * Protein, minimum 45% * * * Fibre, not over 10%."

It was alleged in the information that the article was misbranded in that the statements "Protein, minimum 45% * * * Fibre, not over 10%," appearing on the label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 45 per cent of protein, approximately 42.01 per cent of protein, and more than 10 per cent of fiber, approximately 13.2 per

cent of fiber.

On April 4, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HENRY A. WALLACE, Secretary of Agriculture.

19716. Adulteration of celery. U. S. v. 69 Crates of Celery. Decree of condemnation and forfeiture, containing provision for release under bond. Product ultimately destroyed. (F. & D. No. 27974, I. S. No. 43172. S. No. 6004.)

Arsenic and lead having been found on celery taken from the shipment involved in this action, the Secretary of Agriculture reported the matter to the

United States attorney for the Eastern District of Pennsylvania.

On March 22, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 69 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 17, 1932, by the Sanford-Oviedo Truck Growers (Inc.), from Sanford, Fla., to Philadelphia, Pa., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which

might have rendered it injurious to health.

On March 22, 1932, J. P. Wilson. Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered. The decree, however, provided that the goods might be released to the claimant for reconditioning under the supervision of this department upon the filing of a bond conditioned according to law. The product after washing was still found to bear excessive amounts of arsenic and lead and, therefore, was destroyed.

HENRY A. WALLACE, Secretary of Agriculture.

19717. Misbranding of butter. U. S. v. 106 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. No. 28000. I. S. Nos. 50758, 50765. S. No. 5928.)

Samples of butter from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about March 14, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 106 cases of butter at Chicago, Ill., alleging that the article had been shipped on or about February 23, 1932, by the Barron Cooperative Creamery, Barron, Wis., having been shipped from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Net Weight One Pound."

It was alleged in the libel that the article was misbranded in that the statement "Net Weight One Pound" was false and misleading, since the package

contained less than this quantity.

On March 28, 1932, the Dallas Creamery Co., of Dallas, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, Secretary of Agriculture.

19718. Adulteration of cabbage. U. S. v. 320 Crates of Cabbage. Consent decree of condemnation and forfeiture. Product ordered released under bond to be salvaged, and adulterated portion destroyed. (F. & D. No. 27993. I. S. No. 39091. S. No. 6019.)

Arsenic having been found on cabbage taken from the shipment involved in this action, the Secretary of Agriculture reported the matter to the United

States attorney for the District of Massachusetts.

On March 29, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 320 crates of cabbage, remaining in the original and unbroken packages at New Bedford, Mass., consigned about March 16, 1932, alleging that the article had been shipped in interstate commerce by A. O. Kolberg, McAllen, Tex., to New Bedford, Mass., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have

rendered it harmful to health.

On March 30, 1932, A. O. Kolberg, McAllen, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$700, in lieu of bond, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws. It was further ordered that the adulterated portion be separated from the unadulterated portion under the supervision of this department, and the former destroyed.

HENRY A. WALLACE, Secretary of Agriculture.

19719. Alleged adulteration and misbranding of cottonseed meal. U. S. v. Kershaw Oil Mill. Tried to the court and jury. Verdict of not guilty. (F. & D. No. 25705. I. S. No. 016955.)

This action was based on the interstate shipment of a quantity of a product represented to be cottonseed meal, which was labeled as containing 36 per cent of protein. Samples taken from the shipment were found to contain less than

36 per cent of protein.

On February 17, 1931, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Kershaw Oil Mill, a corporation, Kershaw, S. C., charging shipment by said company in violation of the food and drugs act, on or about January 1, 1930, from the State of South Carolina into the State of North Carolina, of a quantity of cottonseed meal that was alleged to be adulterated and misbranded. The article was labeled in part: (Tag) "'Palmetto Brand' Good Cotton Seed Meal, Manufactured by Kershaw Oil Mill, Kershaw, South Carolina, Guaranteed Analysis Protein (Equiv. Ammonia 7 p. c.) 36.00 per cent."

It was alleged in the information that the article was adulterated in that a substance, cottonseed feed containing less than 36 per cent of protein, had been substituted for cottonseed meal containing 36 per cent of protein, the equivalent

of 7 per cent of ammonia, which the article purported to be.

It was further alleged that the article was misbranded in that the statements, "Cotton Seed Meal * * * Guaranteed Analysis, Protein (Equiv. Ammonia 7 p. c.) 36.00 per cent," borne on the tag, were false and misleading; for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser; and for the further reason that it was offered for sale under the distinctive name of another article, namely, cottonseed meal.

On March 9, 1932, the case came on for trial before the court and a jury. After the submission of evidence and argument by counsel, the court instructed the jury, which retired and after due deliberation returned a verdict of not

guilty.

HENRY A. WALLACE, Secretary of Agriculture.

19720. Adulteration of dried figs. U. S. v. 600 Cases, et al., of Figs. cree of condemnation, forfeiture, and destruction entered.

D. No. 27251A. I. S. Nos. 34264, 34267. S. No. 5432.) (F. &

This action was based on a shipment of dried figs, samples of which were

found to be sour, moldy, and insect-infested.

On November 18, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 900 cases of figs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 17, 1931, by the California Peach & Fig Growers Association from San Francisco, Calif. to New York, N. Y., and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "White Ribbon Figs * * * California Peach & Fig Growers Association, San Francisco, California." The remainder was labeled in part: "White Ribbon Brand Adriatic Pulled Figs Grown and Packed by California Peach & Fig Growers Association, Fresno, California."

It was alleged in the libel that the article was adulterated in that it consisted

in whole or in part of a filthy, decomposed, or putrid vegetable substance. On March 11, 1932, the California Peach & Fig Growers Association filed its claim as owner, and stipulation for costs. On March 15, 1932, the time for claimant to make answer having expired, and no answer or motion having been filed, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. On April 29, 1932, judgment for costs was assessed against the claimant.

HENRY A. WALLACE, Secretary of Agriculture.

19721. Adulteration of fruit jams. U. S. v. Gray, McLean & Percy. 1 of guilty. Fine, \$50. (F. & D. No. 27444. I. S. Nos. 12507, 12508.)

This action was based on the interstate shipment of quantities of products represented to be fruit jams, which were found to be artificially colored mix-

tures of pectin, sugar solution, and fruit jams.

On March 14, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Gray, McLean & Percy, a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, under the name of Wason Bros., on or about April 17, 1931, from the State of Washington into the State of Montana of quantities of fruit jams that were adulterated. The articles were labeled in part: (Can) "Eureka Mont. Gray McLean & Percy Pennant Brand Trade Mark Reg. Strawberry [or 'Raspberry'] Jam Contains Strawberries [or 'Raspberries'], Sugar, Apple Pectin, Cert. Color and Fruit Acid Contains 1/10 of 1% of Benzoate of Soda."

It was alleged in the information that the articles were adulterated in that artificially colored mixtures of pectin, sugar solution, and strawberry and raspberry jams had been substituted for strawberry and raspberry jams, which

the articles purported to be.

On April 12, 1932, a plea of guilty to the adulteration charge of the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

19722. Misbranding of coffee. U. S. v. The Early Coffee Co. Plea of no contendere. Fine, \$100. (F. & D. No. 25720. I. S. Nos. 512, 513, 514.) Plea of nolo

This action was based on the interstate shipment of quantities of coffee, sample cans of which were found to contain less than the declared weight.

On May 29, 1931, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Early Coffee Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 20, 1930, from the State of Colorado into the State of New Mexico, of quantities of coffee that was misbranded. The article was labeled in part: (Cans) "Early Breakfast Steel Cut Plantation Coffee, Full Pound [or 'Three Pounds']

Net Weight * * * The Early Coffee Co., Denver, Colo."

It was alleged in the information that the article was misbranded and that the statements, "Full Pound Net Weight," borne on a portion of the cans, and the statement "Three Pounds Net Weight," borne on the remainder, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser since the portion of the cans which were labeled as containing 1 full pound net contained less than 1 pound, and the portion of the cans that were labeled as containing 3 pounds net, contained less than 3 pounds. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On April 7, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HENRY A. WALLACE, Secretary of Agriculture.

19723. Adulteration of tomato puree. U. S. v. 695 Cases of Tomato Puree.

Decree of condemnation and forfeiture. Product released under bond for reconditioning. (F. & D. No. 26419. I. S. No. 22209. S. No. 4718.)

This action was based on a shipment of tomato puree, samples of which

were found to contain excessive mold.

On May 21, 1931, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 695 cases of tomato puree, alleging that the article had been shipped in interstate commerce by Meyer Simon Co., from Long Beach, Calif., to Seattle, Wash., on or about April 14, 1931, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Timpanogos Brand Tomato Puree Packed by Pleasant Grove Canning Company, Pleasant Grove—Orem, Utah." It was alleged in the libel that the article was adulterated in that it con-

sisted in whole or in part of a decomposed vegetable substance.

On July 6, 1932, Morris Muskatel, Seattle, Wash., claimant, having filed claim, stipulation, and answer, admitting the allegations of the libel and having consented to the entry of the decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant to be reconditioned or segregated under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act. In supervising the reconditioning this department required the separation and destruction of the unfit portion.

HENRY A. WALLACE, Secretary of Agriculture.

19724. Adulteration and misbranding of butter. U. S. v. 11 Cases of Butter. Consent decree of condemnation and forfeiture. Product releaded under bond. (F. & D. No. 27954. I. S. Nos. 50759, 50764. S. No. 5979.)

This action was based on a shipment of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard

prescribed by Congress.

On or about March 8, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 cases of butter at Chicago, Ill.,

alleging that the article had been shipped in interstate commerce, on or about February 23, 1932, by the Farmers Cooperative Creamery Co., from Clear Lake, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Bowman Dairy Company, * * * Butter Distributed by Bowman Dairy Company, Chicago, Illinois."

It was alleged in the libel that the article was adulterated in that a sub-

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; for the further reason that a substitute deficient in butterfat had been substituted in part for the said article; and for the further reason that it contained less than 80 per

cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading since it con-

tained less than 80 per cent of milk fat.

On March 22, 1932, the Farmers Cooperative Creamery Co., Clear Lake, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19725. Adulteration of butter. U. S. v. 13 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 28226, 28265. I. S. Nos. 5394, 54281. S. Nos. 6044, 6108.)

This action involved the interstate shipment of quantities of butter, samples of which were found to contain less than 80 per cent by weight of milk fat,

the standard prescribed by Congress.

On April 4 and April 18, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, fled in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 29 tubs of butter at New York, N. Y., alleging that the article had been shipped in part on or about March 26, 1932, and on or about April 8, 1932, by the Union Storage & Transfer Co., Fargo, N. Dak., acting for the Arrow Creamery Co., Hebron (and Hazen), N. Dak., and had been transported from the State of North Dakota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as

provided by law.

The Zenith-Godley Co. (Inc.), New York, N. Y., interposed a claim for the product as agent for the Arrow Creamery Co., and admitted the allegations of the libels, consented to the entry of decrees and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On April 6 and April 20, 1932, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of bonds totaling \$700, conditioned in part that it be reworked so that it comply with the Federal food and drugs act, and all other laws, and that it should not be disposed of until examined and approved by this department.

HENRY A. WALLACE, Secretary of Agriculture.

19726. Adulteration of bluefins. U. S. v. 1 Box of Bluefins. Decree of destruction. (F. & D. No. 27984. I. S. No. 53427. S. No. 6029.)

Samples of bluefins from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to

the United States attorney for the Southern District of Ohio.

On April 5, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one box of bluefins at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce by Sam Johnson & Son's Fisheries (Inc.), from Duluth, Minn., on or about March 2, 1932, having been transported from the

State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and putrid animal substance, and for the further reason

that it consisted of portions of animals unfit for food.

On April 5, 1932, no claimant having appeared for the property, and the court having found that the fish were spoiled and unfit for human consumption, judgment was entered ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19727. Adulteration of celery. U. S. v. 352 Boxes of Celery. Default decree of destruction entered. (F. & D. No. 27807. I. S. No. 47024. S. No. 5904.)

This action was based on the interstate shipment of a quantity of celery

which, upon examination, was found to be heavily infested with worms.

On March 3, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a 1 bel praying seizure and condemnation of 352 boxes of celery at Minneapolis, Minn., alleging that the article had been shipped by Chase & Co., from Sanford, Fla., on or about February 20, 1932, and had been transported from the State of Florida into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Florida Celery Diamond Braud Good Grade and Pack Chase & Co. Sanford, Fla."

It was alleged in the libel that the article was adulterated in that said celery consisted in part of filthy, decomposed, and putrid vegetable substance and was

unfit for food.

On April 2, 1932, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19728. Adulteration of walnuts. U. S. v. 135 Sacks of Walnuts in Shell.
Consent decree adjudging the product adulterated, and ordering
that it be released under bond to be shelled and sorted. (F. & D.
No. 27617. I. S. No. 41291. S. No. 5603.)

Samples of walnuts taken from the interstate shipment involved in this

action were found to be wormy, moldy, decomposed, and shriveled.

On December 30, 1931, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 135 sacks of walnuts in shell at Grand Island, Nebr., alleging that the article had been shipped by the Whittier Walnut Packing Co., from Whittier, Calif., on or about December 3, 1931, and had been transported from the State of California into the State of Nebraska, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "California Walnuts Evergreen Packed by the Whittier Walnut Packing Co. Whittier, Calif."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a filthy, decomposed, or putrid vegetable substance.

On March 30, 1932, the Whittier Walnut Packing Co., claimant, having admitted the allegations of the libel and consented to the entry of judgment for condemnation and forfeiture of the property, judgment was entered finding the product adulterated and it was ordered by the court that the product be delivered to said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the food and drugs act and all other laws. It was further ordered that the nuts be shelled, the decomposed portions removed, and that the good portions be released unconditionally.

HENRY A. WALLACE, Secretary of Agriculture.

19729. Adulteration of fish. U. S. v. 10 Boxes of Fresh Fish. Decree of destruction entered. (F. & D. No. 27406. I. S. No. 50001. S. No. 5595.)

Samples of fish from the interstate shipment herein described having been found to be infested with parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On December 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 boxes of fish at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about December 12, 1931, by the Lake Superior Fish Co., from Duluth, Minn., to Detroit, Mich., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in that

it consisted of portions of animals unfit for food.

On February 4, 1932, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19730. Adulteration of canned salmon. U. S. v. 195 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27614, 27741. I. S. Nos. 39249, 43853. S. Nos. 5656, 5833.)

This action involved the interstate shipment of quantities of canned salmon,

samples of which were found to be stale and tainted.

On December 30, 1931, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 195 cases of canned salmon at Erie, Pa. On February 13, 1932, the United States attorney for the Southern District of New York filed a libel against 249 cases of the same product at New York, N. Y. It was alleged in the libels that the article had been shipped in interstate commerce by McGovern & McGovern, from Seattle, Wash., the former on or about September 14, 1931, to Erie, Pa., and the latter on or about October 8, 1931, to New York, N. Y., and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Cans) "Sea Flyer Brand Alaska Pink Salmon * * * Distributed by McGovern & McGovern, Seattle, U. S. A."

It was alleged in the libels that the article was adulterated in that it con-

sisted in part of a decomposed animal substance.

The Wrangell Packing Corporation, Seattle, Wash., entered an appearance and filed a claim in both cases. On April 12 and April 22, 1932, the claimant having admitted the material allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant for shipment to San Francisco, Calif., for the purpose of separating the good from the bad portion and destroying the bad portion, upon payment of costs and the execution of bonds totaling \$3,500, conditioned that it should not be disposed of in violation of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19731. Adulteration of tomato puree. U. S. v. 20 Cases of Tomato Puree.
Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27785. I. S. No. 32605. S. No. 5871.)

This action was based on the interstate shipment of canned tomato puree,

samples of which were found to contain excessive mold.

On February 27, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cases of tomato puree at Albuquerque, N. Mex., alleging that the article had been shipped by the Utah Fish Canning Co., from Five Points, Utah, on or about September 2, 1931, and had been transported from the State of Utah into the State of New Mexico, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases and cans) "Tomato Puree Made From Pieces and Trimmings * * * Packed by Utah Fish Canning Company."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed vegetable substance.

On April 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

19732. Adulteration and misbranding of candy. U. S. v. Mason, Au & Magenheimer Confectionery Manufacturing Co. Plea of guilty. Sentence suspended. (F. & D. No. 27500. I. S. Nos. 29382, 30309, 30346.)

This action was based on four interstate shipments of chocolate-covered

candy, samples of which were found to contain excessive cocoa shell.

On July 20, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Mason, Au & Magenheimer Confectionery Manufacturing Co., a corporation, trading at Brooklyn, N. Y., alleging shipments by said company, in violation of the food and drugs act, on various dates, in part on or about March 2, March 10, and April 9, 1931, from the State of New York into the State of New Jersey, and in part on or about April 15 and May 5, 1931, from the State of New York into the State of Pennsylvania, of quantities of candy that was adulterated and misbranded. A portion of the article was labeled in part: (Box) "Mason's Peaks Fresh Cocoanut Delicious Chocolate * * * Mason, Au & Magenheimer Conf. Mfg. Co.; " (wrapper) "Pure delicious chocolate." The remainder of the article was labeled in part: (Box) "Mason Mints;" (wrapper) "Buy Peaks Chocolate Mason Mints."

It was alleged in the information that the article was adulterated in that excessive shell had been substituted in part for pure chocolate, which the

article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Chocolate" and "Pure Delicious Chocolate," borne on the labeling, were false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the article was not pure chocolate but consisted in part of excessive shell. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, "Pure Chocolate" or "Chocolate." On July 27, 1932, a plea of guilty to the information was entered on behalf of

the defendant company and the court ordered that sentence be suspended.

HENRY A. WALLACE, Secretary of Agriculture.

19733. Adulteration of canned blackberries. U. S. v. 200 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27821. I. S. No. 46502. S. No. 5908.)

Samples of canned blackberries from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On March 8, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 cases of canned blackberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce by Puyallup & Sumner Fruit Growers Association, on or about January 21, 1932, from Tacoma, Wash., to Los Angeles, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "Charmed Land Brand Blackberries packed by Puyallup & Sumner Fruit Growers Association, Puyallup, Washington, U. S. A."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed vegetable substance.

On April 12, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19734. Adulteration and misbranding of frozen eggs. U. S. v. Frigid Food Products (Inc.). Plea of guilty. Fine, \$200. (F. & D. No. 26677. I. S. No. 28330.)

This action was based on the interstate shipment of canned frozen eggs,

samples of which were found to contain added undeclared sugar.

On October 6, 1931, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, an information against the Frigid Food Products (Inc.), a corporation, Detroit, Mich., alleging shipment by said company in violation of the food and drugs act, on or about January 22, 1931, from the State of Michigan into the State of Pennsylvania of a quantity of frozen eggs that were adulterated and misbranded. The article

was labeled in part: (Cans) "Frigid Food Products, Inc. * *
Frozen Strictly Fresh Gold Yolks * * * Eggs." Frigidegs

It was alleged in the information that the article was adulterated in that added sugar had been substituted in part for frozen eggs which the article

purported to be.

Misbranding was alleged for the reason that the statements, "Frigidegs,

* * Gold Yolks * * * Eggs * * * Frozen strictly Fresh," appearing on the label, were false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the article did not consist wholly of frozen eggs but did consist in part of added sugar. Misbranding was alleged for the further reason that the article was offered for sale and was sold under the distinctive name of another article, "Frigidegs."

On November 24, 1931, a plea of guilty to the information was entered on

behalf of the defendant company, and the court imposed a fine of \$200.

Henry A. Wallace, Secretary of Agriculture.

19735. Adulteration of apples. U. S. v. 174 Boxes of Apples. No claim entered. Verdict for Government. Decree of condemnation and confiscation. Product ordered destroyed or disposed of to charitable institutions. (F. & D. No. 27811. I. S. No. 47247. S. No. 5911.)

Arsenic and lead having been found on samples of apples from the shipment herein described, the Secretary of Agriculture reported the matter to the

United States attorney for the Western District of Louisiana.

On March 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 174 boxes of apples at Shreveport, La., alleging that the article had been shipped by the Pacific Fruit & Produce Co., from Wenatchee, Wash., on or about February 10, 1932, and had been transported from the State of Washington into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Redman Brand Wenatchee District Apples distributed by Universal Fruit Co., Inc., Wenatchee, Washington * * * The Olds Company, Wenatchee, Washington."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, to wit, arsenic and lead,

which might have rendered the apples injurious to health.

On April 4, 1932, no claimant having appeared for the property and a jury having found the allegations of the libel to be true and correct, judgment of condemnation and confiscation was entered and it was ordered by the court that the product be destroyed by the United States marshal. The decree provided, however, that the marshal might, if practicable, have the apples processed to make them noninjurious and dispose of them to charitable institutions.

HENRY A. WALLACE, Secretary of Agriculture.

19736. Adulteration of tomato catsup. U. S. v. 17 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27896. I. S. Nos. 37630, 42224. S. No. 5938.)

Samples of tomato catsup from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the mat-

ter to the United States attorney for the District of Maryland.

On March 10, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 cases of tomato catsup, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in various consignments on or about September 30, October 7, and October 24, 1931, by Greenabaum Bros., from Seaford, Del., and had been transported from the State of Delaware into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ribbon Brand Tomato Catsup * * * Distributed by Frey & Son, Inc., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed vegetable substance.

On April 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered by the court ordering that the product be destroyed by the United States marshal.

19737. Adulteration of oysters. U. S. v. 10 Gallons of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27780. I. S. No. 50831. S. No. 5881.)

This action was based on the interstate shipment of oysters, samples of which

were found to contain excessive water.

On February 25, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 10 gallons of oysters, remaining in the original unbroken packages at Dayton, Ohio, alleging that the article had been shipped by O. E. Wentworth & Co., from Baltimore, Md., on or about February 17, 1932, and had been transported from the State of Maryland into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wentworth's Triangle Brand Oysters * * * Packed by O. E. Wentworth & Co., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed with and substituted in part for the said

product.

On April 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19738. Adulteration and misbranding of chocolate-covered cherry bars. U. S. v. Schäll's (Inc.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 27486. I. S. No. 25978.)

This action was based on the interstate shipment of a quantity of chocolate-covered bars containing a cherry filling. Examination showed the presence of artificial color and flavor, benzoate of soda, and sulphur dioxide in the filling.

On January 14, 1932, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Schäll's (Inc.), a corporation, Clinton, Iowa, alleging shipment by said company, in violation of the food and drugs act, on or about January 19, 1931, from the State of Iowa into the State of Illinois of a quantity of chocolate-covered cherry bars that were adulterated and misbranded. The article was labeled in part: "Schäll's Chocolate-Covered Cherries 'In Juice' Schäll's Inc. Clinton, Iowa."

It was alleged in the information that the article was adulterated in that a chocolate-covered product containing as part of the cherry filling undeclared substances, to wit, artificial color and flavor, benzoate of soda, and sulphur dioxide, had been substituted for chocolate-covered cherries in juice, which the

article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Chocolate Covered Cherries in Juice," was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article consisted solely of cherries in juice (cherry juice) and chocolate, whereas it was composed in part of additional and undeclared substances, to wit, artificial color and flavor, benzoate of soda, and sulphur dioxide.

On April 5, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

HENRY A. WALLACE, Secretary of Agriculture.

19739. Adulteration of tomato puree and misbranding of canned tomatoes. U. S. v. 34 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. No. 27648. I. S. No. 41338. S. No. 5688.)

This action was based on the interstate shipment of a quantity of tomato puree, samples of which were found to contain excessive mold, and a quantity

of canned tomatoes labeled puree.

On January 12, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 cases of tomato puree at Arkansas City, Kans., alleging that the article had been shipped by the Ray A. Ricketts Co., from Canon City, Colo., on or about June 25, 1931, and had been transported from the State of

Colorado into the State of Kansas, and charging adulteration of a portion and misbranding of the remainder, in violation of the food and drugs act. The article was labeled in part: (Can) "Santa Fe Brand Tomato Puree."

It was alleged in the libel that the portion of the article consisting of puree

was adulterated in that it contained a decomposed vegetable substance.

Misbranding was alleged with respect to the portion consisting of canned tomatoes for the reason that the statement "Tomato Puree," on the label, was false and misleading and deceived and misled the purchaser, since some of the cans did not contain tomato puree but did contain whole tomatoes.

On April 5, 1932, no claimant having appeared for the property, judgment

of condemnation was entered and it was ordered by the court that the product

be destroyed by the United States marshal.

Henry A. Wallace, Secretary of Agriculture.

19740. Adulteration and misbranding of chocolate-covered nuts and nut bars. U. S. v. Dionigi Perrone (Perrone Candy Co.). Plea of guilty. Fine, \$300. (F. & D. No. 27489. I. S. Nos. 30191, 30310, 30311.)

This action was based on the interstate shipment of two lots of alleged milk chocolate-coated Brazil nuts, and one shipment of alleged milk chocolate-coated filbert bars. Examination showed that the chocolate coating in parts of the article were deficient in milk solids, and in the remainder contained no milk solids. Examination showed further that the labels of the articles failed to

bear a statement of the quantity of the contents.

On April 13, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Dionigi Perrone, trading as Perrone Candy Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, in part on or about March 17, 1931, and in part on or about April 27, 1931, from the State of New York into the State of New Jersey, of quantities of chocolate-covered nuts and filbert bars that were adulterated and misbranded. The Brazil nuts were labeled in part: (Box) "Sky-High in Quality Perrone's Candies Brazil Nuts-Covered with Pure Milk Chocolate;" (retail package) "Brazil Perrone's Nuts." The filbert bars were labeled in part: (Box) "Milk Chocolate Filbert Bars Perrone Candy Co., New York, Sky-High in Quality;" (retail package) "Filbert Perrone's Bar."

Adulteration of the articles was alleged in the information for the reason that a substance other than milk chocolate, in that it was deficient in milk solids, or contained no milk solids, had been substituted in part for the said

articles.

Misbranding was alleged for the reason that the statements, "Sky-High in Quality * * * Covered with Pure Milk Chocolate," with respect to the Brazil nuts, and the statements, "Sky-High In Quality * * * Milk Chocolate," with the respect to the said filbert bars, appearing in the labeling, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted in part of pure milk chocolate of the highest quality, whereas it was not, since the coating was an inferior article a portion being deficient in milk solids, and the remainder containing no milk solids. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 2, 1932, the defendant entered a plea of guilty to the information,

and the court imposed a fine of \$300.

HENRY A. WALLACE, Secretary of Agriculture.

Adulteration and misbranding of canned egg yolk. U. S. Cans of Egg Yolk, Consent decree of condemnation ar fetture. Product released under bond for relabeling. (F. 27900, I. S. No. 52254. S. No. 5932.) 150 Adulteration and 19741. (F. & D. No.

Samples of egg yolk from the shipment herein described having been found to contain added undeclared sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On March 10, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cans of canned egg yolk at Detroit, Mich., alleging that the article had been shipped by Rothenberg and Schneider Bros., from Chicago, Ill., on or about January 9, 1932, and had been transported in interstate commerce from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Egg Yolks * * * Schneider Brothers, * * * Chicago, Ill." Rothenberg and

It was alleged in the libel that the article was adulterated in that a sub-

stance, sugar, had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label,

"Egg Yolks," was false and misleading and deceived and misled the purchaser. On April 2, 1932, Rothenberg & Schneider Bros. (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for relabeling, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000 conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19742. Adulteration of tomato catsup. U. S. v. 115 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27799. I. S. No. 43844. S. No. 5828.)

This action was based on the interstate shipment of a quantity of tomato

catsup, samples of which were found to contain excessive mold.

On March 2, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 115 cases of tomato catsup, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by Greenabaum Bros. (Inc.), from Seaford, Del., in part on or about January 20, 1932, and in part on or about February 4, 1932, and had been transported from the State of Delaware into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottle) "Ideal Brand * * * Tomato Catsup Wilkinson, Gaddis & Co., Distributors, Newark, New Jersey."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed vegetable substance.

On April 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19743. Adulteration of apples. U. S. v. 756 Boxes of Apples. Consent decree entered ordering product released under bond to be cleaned. (F. & D. No. 28015. I. S. No. 54358. S. No. 6077.)

Arsenic and lead spray residue having been found on samples of apples taken

from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On April 14, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of apples, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped in interstate commerce by the Wenatchee Produce Co., from Wenatchee, Wash., on or about March 31, 1932, and had been transported from the State of Washington into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Boxes) "Rose Brand Apples, Wenatchee Produce Co."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which

might have rendered it harmful to health.

On April 18, 1932, Hyman & Lieberman-Justman (Inc.), New York, N. Y., claimant, having filed a stipulation admitting the truth of the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the property, judgment was entered ordering that the product be released to claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that it be cleaned to remove the excessive arsenic and lead spray residue, and should not be sold or disposed of contrary to provisions of the food and drugs act and all other laws. It was further ordered by the court that upon failure to comply with the terms of the decree and bond the product be destroyed.

HENRY A. WALLACE, Secretary of Agriculture.

19744. Adulteration of canned tomatoes. U. S. v. 525 Cases of Canned Tomatoes. Product released under bond to be salvaged and unfit portion destroyed. (F. & D. No. 28022. I. S. No. 53942. S. No. 6080.)

Samples of canned tomatoes taken from the shipment involved in this action

were found to be underprocessed and partially decomposed.

On April 15, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 525 cases of canned tomatoes, remaining in the original unbroken packages at Jefferson Barracks, Mo., alleging that the article had been shipped in interstate commerce, on or about October 7, 1931, by the Gypsum Canning Co., from Port Clinton, Ohio, to Jefferson Barracks, Mo., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Ottawa Chief Brand Tomatoes * * Packed by the Gypsum Canning Co., Port Clinton, Ohio."

It was alleged in the libel that the article was adulterated in that it consisted

in part of a decomposed vegetable substance.

The Gypsum Canning Co.. Port Clinton, Ohio, entered an appearance and filed a claim and answer, admitting the allegations of the libel. On April 29, 1932, the court having found that the portion of the product which was fit and suitable for human consumption could be separated from the unfit portion, a decree was entered ordering that the product be released to the claimant, upon the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contary to the Federal food and drugs act, and all other laws; that the portion found unsuitable for sale and consumption as food be destroyed and that claimant pay costs of the proceedings.

HENRY A. WALLACE, Sceretary of Agriculture.

19745. Adulteration and misbranding of canned tomato catsup. U. S. v. 16½ Cases of Tomato Catsup. Default decree ordering that the product be relabeled and disposed of by the United States. U. S. v. 340 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 27796, 27797. I. S. Nos. 29068, 43883. S. No. 5872.)

Examination of the canned tomato catsup involved in these actions showed

that the article contained an added gum-like substance.

On February 29, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 356½ cases of canned tomato catsup at New York, N. Y., alleging that the article had been shipped in interstate commerce by California Conserving Co. (Inc.), from San Francisco, Calif., on or about December 31, 1931, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Gresham Brand Tomato Catsup * * Packed by California Conserving Co., Incorporated, San Francisco. [In almost illegible type] Contains 1/10 of 1% Benzoate of Soda."

It was alleged in the libels that the article was adulterated in that a substance, tomato catsup containing undeclared added foreign gum, had been

substituted for the article.

Misbranding was alleged for the reason that the statement "Tomato Catsup" was false and misleading and deceived and misled the purchaser, and for the further reason that the product was offered for sale and was sold under the

distinctive name of another article.

On April 28, 1932, default was noted in the case involving 16½ cases of the product and it was ordered by the court that the article be relabeled to show the presence of added gum and delivered to a Government agency. On May 31, 1932, the California Conserving Co. (Inc.), San Francisco, Calif., claimant for the remainder of the product, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said portion of the product be delivered to the claimant upon payment of costs and the execu-

tion of a bond in the sum of \$500, conditioned in part that new labels be affixed to the cans bearing the statement, "Vegetable Gum and 1/10 of 1% Benzoate of Soda Added."

HENRY A. WALLACE, Secretary of Agriculture.

19746. Misbranding and alleged adulteration of rice. U. S. v. 200 Sacks of Rice. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27760. I. S. No. 32482. S. No. 5844.)

Samples of rice from the shipment herein described having been found to be below the grade indicated on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On February 29, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on or about March 7, 1932, an amended libel, praying seizure and condemnation of 200 sacks of rice at San Juan, P. R. It was alleged in the libel as amended that the article had been shipped on or about January 30, 1932, by C. E. Grosjean Rice Milling Co., from San Francisco, Calif., to San Juan, P. R., and that it was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: (Sacks) "Celta Fancy San Juan * * * Fancy Japan Mission Brand Rice * * * * C. E. Grosjean Rice Milling Co., San Francisco, Cal., U. S. A."

Adulteration of the article was alleged in the libel for the reason that rice of a different and lower grade than Fancy had been substituted in whole or in part for rice of Fancy grade, which the article purported to be.

Misbranding was alleged for the reason that the statement "Fancy" was false and misleading and deceived and misled the purchaser, since rice of a

different and lower grade was substituted.

On April 19, 1932, C. E. Grosjean Rice Milling Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture. It was further ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$900, conditioned in part that it be properly branded and should not be disposed of contrary to the Federal food and drugs act.

HENRY A. WALLACE, Secretary of Agriculture.

19747. Misbrauding and alleged adulteration of rice. U. S. v. 500 Sacks of Rice. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27761. I. S. No. 32479. S. No. 5845.)

Samples of rice from the shipment herein described having been found to be below the grade indicated on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On February 29, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on or about March 7, 1932, an amended libel, praying seizure and condemnation of 500 sacks of rice at San Juan, P. R. It was alleged in the libel as amended that the article had been shipped on or about January 29, 1932, by the Capital Rice Mills, San Francisco, Calif., to San Juan, P. R., and that it was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: (Sacks) "San Juan Fancy California Rice * * * Capital Rice Mills, San

Francisco, California."

Adulteration of the article was alleged in the libel for the reason that rice of a different and lower grade than Fancy had been substituted in whole or in part for vice of Fancy grade which the particle prepared to the control of the c

in part for rice of Fancy grade, which the article purported to be.

Misbranding was alleged for the reason that the statement "Fancy" was false and misleading and deceived and misled the purchaser, since rice of a

different and lower grade was substituted.

On April 19, 1932, the Capital Rice Mills, having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture. It was further ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be properly branded and should not be disposed of contrary to the Federal food and drugs act.

19748. Adulteration of dressed poultry. U. S. v. 1 Barrel of Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27777. I. S. No. 53008. S. No. 5875.)

Samples of dressed poultry from the shipment herein described having been found to be diseased and partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 26, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one barrel of poultry, containing 37 birds, at Chicago, Ill., alleging that the article had been shipped on or about February 16, 1932, by F. M. Priest & Sons, St. James, Minn., that it was consigned by Butterfield Creamery & Produce Co., Butterfield, Minn., that it had been transported from the State of Minnesota into the State of Illinois, and that it was adulterated in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed, filthy, and putrid animal substance and in that

it consisted of portions of an animal unfit for food.

On April 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered by the court, ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19749. Adulteration and misbranding of canned frozen eggs. U. S. v. 597
Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27802. I. S.
No. 50623. S. No. 5829.)

This action was based on the interstate shipment of a quantity of canned frozen eggs, samples of which were found to contain an excessive amount of the

white of eggs.

On or about March 7, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel, and subsequently an amended libel, praying seizure and condemnation of 597 cans of frozen eggs at Chicago, Ill., alleging that the article had been shipped by Swift & Co., from South Omaha, Nebr., on or about December 12, 1931, and had been transported from the State of Nebraska into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mixed."

It was alleged in the amended libel that the article was adulterated in that a substance, added egg whites, had been mixed and packed with and substi-

tuted in whole or in part for the article.

Misbranding was alleged for the reason that the designation "Mixed" was false and misleading, and deceived and misled the purchaser when applied to

mixed eggs containing an added ingredient, to wit, egg whites.

On April 2, 1932, Swift & Co., claimant, having filed a claim and answer for the property, and having admitted the allegations of the amended libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for relabeling, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, Secretary of Agriculture.

19750. Adulteration of candy. U. S. v. 23 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27268. I. S. No. 45816. S. No. 5408.)

This action involved the interstate shipment of a quantity of candy, in which

a hard marble was embedded and concealed in each piece.

On November 21, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 boxes of candy, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped in interstate commerce on or about March 7, 1929, by the Huggins Candy Co., from Nashville, Tenn., to Meridian, Miss., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Wing

Marble Taffy * * * Huggins Candy Company * * * Nashville, Tennessee."

It was alleged in substance in the libel that the article had been shipped in interstate commerce in violation of the section and paragraph of the act applicable to confectionery, in that it contained an ingredient, namely, hard marbles, deleterious or detrimental to health. It was further alleged that the article was in violation of the section and paragraph of the act applicable to food in that it contained an added deleterious ingredient which might have rendered it injurious to health.

On May 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that

the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19751. Adulteration of canned sweetpotatoes. U. S. v. 254 Cases, et al., of Canned Sweetpotatoes. Default decrees of destruction entered. (F. & D. Nos. 27822, 27894, 27898, 27952. I. S. Nos. 47060, 47504, 47521, 50877, 52115, 52116. S. Nos. 5931, 5941, 5943, 6009.)

Samples of canned sweetpotatoes from the shipments involved in these actions having been found to be partly decomposed, the Secretary of Agriculture reported the matter to the various United States attorneys in whose districts the

product was located.

Between the dates of March 9, 1932 and March 26, 1932, the United States attorneys for the District of Minnesota, the District of Nebraska, and the Northern District of Illinois, filed in the United States District Courts for their respective districts libels praying seizure and condemnation of 606 cases of the said canned sweetpotatoes in various lots at St. Paul, Minn., Omaha, Nebr., and Chicago, Ill., respectively. It was alleged in the libels that the article had been shipped in part by John W. Taylor and in part by the John W. Taylor Packing Co. from Hallwood, Va., between the dates of September 8, 1931 and November 12, 1931, that it had been transported from the State of Virginia into the States of Minnesota, Nebraska, and Illinois, respectively, and that it was adulterated in violation of the food and drugs act. The article was labeled in part, variously: (Cans) "N. J. C. Pure Food Brand Sweet Potatoes;" "Yellowstone Brand Sweet Potatoes;" "Barco Brand Sweet Potatoes;" or "Sunny Brand Sweet Potatoes."

It was alleged in the libels that the article was adulterated in that it con-

sisted in part of a decomposed vegetable substance.

On April 20, April 22, and April 29, 1932, no claimant having appeared in the cases, judgments were entered in the various district courts ordering that the product be destroyed by the United States marshals.

HENRY A. WALLACE, Secretary of Agriculture.

19752. Adulteration of bluefins. U. S. v. 10 Boxes of Fish (Bluefins). Decree of destruction entered. (F. & D. Nos. 27978, 27979. I. S. Nos. 53421, 53422, 53426. S. Nos. 6023, 6024.)

Samples of bluefins taken from the shipments involved in this action were

found to be infested with parasitic worms.

On April 2, 1932, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the districts aforesaid a libel praying seizure and condemnation of 10 boxes of bluefins at Covington, Ky., which had been consigned by the Hogstad Fish Co., Duluth, Minn, in part on March 27, and in part on March 28, 1932. It was alleged in the libel that the article had been shipped in interstate commerce from Duluth, Minn., to Covington, Ky., that it remained unsold in the original packages, and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, and for the further reason that it consisted of portions of animals unfit

for food.

On April 2, 1932, no claimant having appeared for the property, and the court having found that the fish were spoiled and unfit for human consumption, judgment was entered ordering that they be destroyed by the United States marshal.

19753. Adulteration of canned blackberries. U. S. v. 600 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27186, I. S. Nos. 22431, 273. S. No. 5346.)

This action was based on a shipment of canned blackberries, samples of

which were found to be moldy.

On October 27, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 600 cases of canned blackberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about October 12, 1931, by Puyallup & Sumner Fruit Growers Association from Tacoma, Wash., to San Francisco, Calif., and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Above Par Brand Solid Pack Blackberries." The remainder were labeled in part: (Can) "Fruitfull Brand Cultivated Evergreen Blackberries * * * Packed by Puyallup & Sumner Fruit Growers Ass'n., Puyallup, Wn."

It was alleged in the libel that the article was adulterated in that it consisted

partly of moldy berries and a decomposed vegetable substance.

On April 19, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19754. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co., a Corporation. Plea of guilty. Fine, \$410. (F. & D. No. 27456. I. S. Nos. 21843, 22657.)

This action was based on two interstate shipments of butter, samples of which were found to be short weight. A portion of the article was also found to contain less than 80 per cent by weight of milk fat, the standard prescribed by

Congress.

At the April, 1932, term of court, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Mutual Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, in part on or about April 15, 1931, and in part on or about June 9, 1931, from the State of Utah into the State of Nevada, of quantities of butter, a portion of which was misbranded and the remainder of which was adulterated and misbranded. The article was labeled in part: (Packages) "One pound Net Pasteurized Creamery Butter Manufactured & Distributed by Mutual Creamery Company * * * Salt Lake City, Utah."

It was alleged in the information that a portion of the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923,

which the article purported to be.

Misbranding was alleged with respect to the said portion for the reason that the statement "Butter" on the label was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article contained less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress. Misbranding was alleged with respect to both lots of the article for the reason that the statement "One Pound Net," borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound net of the article. Misbranding was alleged with respect to both lots for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 14, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$410.

dulteration of canned salmon. U. S. v. Hood Bay Canning Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 27565. I. S. No. 22327.) 19755. Adulteration

This action was based on a shipment of canned salmon, samples of which

were found to be putrid, tainted, and stale.

On April 18, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Hood Bay Canning Co., a corporation, Seattle, Wash., alleging shipment by said company, on or about August 27, 1930, in violation of the food and drugs act from Hood Bay, Territory of Alaska, into the State of Washington, of a quantity of canned salmon that was adulterated.

It was alleged in the information that the article was adulterated in that it

consisted in part of a decomposed animal substance.

On April 29, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HENRY A. WALLACE, Secretary of Agriculture.

19756. Adulteration of pecans. U. S. v. 44 Bags of Pecans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27591. I. S. No. 45465. S. No. 5625.)

Samples of pecans taken from the shipment involved in this action were

On or about December 29, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 44 bags of pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 24, 1931, by W. A. Robinson from St. Joseph, La., to Chicago, Ill., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed, filthy, and putrid vegetable substance.
On April 27, 1932, James P. Allen, claimant, having admitted the facts set forth in the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for sorting under the supervision of this department, in order to separate the good nuts from the bad nuts, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, Secretary of Agriculture.

19757. Misbranding of canned tomato sauce. U. S. v. Walter M. Field & Co., and Bayside Canning Co. Pleas of guilty. Walter M. Field & Co., fined \$25. Bayside Canning Co., fined \$50. (F. & D. No. 27505. I. S. No. 12381.)

This action was based on the interstate shipment of a quantity of canned tomato sauce, samples of which were found to be short of the declared weight.

On February 15, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Walter M. Field & Co., a copartnership, San Francisco, Calif., and the Bayside Canning Co., a corporation, Alviso, Calif., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about January 13, 1931, from the State of California into the State of Washington, of a quantity of canned tomato sauce that was misbranded. The article was labeled in part; (Can) "Red and White Brand Concentrated Tomato Sauce * Contents 8 Oz."

It was alleged in the information that the article was misbranded in that the statement "Contents 8 Oz.," borne on the can label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans did not contain 8 ounces of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the

package, since the statement made was incorrect.

On February 29, 1932, Walter M. Field entered a plea of guilty for the partnership, Walter M. Field & Co., and the court imposed a fine of \$25 against the said partnership. On the same date a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$50 against the corporation.

HENRY A. WALLACE, Secretary of Agriculture.

19758. Adulteration of apples. U. S. v. Henry Thomas. Plea of guilty. Fine, \$25. (F. & D. No. 27469. I. S. Nos. 12299, 12300.)

Arsenic was found on the apples in the interstate shipment on which this

action was based.

On April 2, 1932, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Henry Thomas, Provo, Utah, alleging shipment by said defendant, in violation of the food and drugs act, on or about March 23, 1931, from the State of Utah into the State of Nevada, of a quantity of apples that were adulterated.

It was alleged in the information that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which

might have rendered it injurious to health.

On April 8, 1932, a plea of guilty to the information was entered on behalf of the defendant, and the court imposed a fine of \$25.

HENRY A. WALLACE, Secretary of Agriculture.

19759. Adulteration of butter. U. S. v. 13 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27892. I. S. No. 47593. S. No. 5804.)

Samples of butter from the shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to

the United States attorney for the Southern District of Ohio.

On or about January 19, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original packages at Columbus, Ohio, consigned by the Fairmont Creamery Co., on or about December 29, 1931, alleging that the article had been shipped in interstate commerce from Guthrie, Okla., to Columbus, Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by

weight of milk fat.

On March 12, 1932, the Fairmont Creamery Co., Columbus, Ohio, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the claimant be permitted to rework the product under the supervision of this department, upon the execution of a bond in the sum of \$350, conditioned that it would not be sold, or otherwise disposed of contrary to the Federal food and drugs act and all other laws; and further conditioned that the claimant pay costs of the proceedings. On April 8, 1932, the conditions of the bond having been complied with, the court ordered that the product be released.

HENRY A. WALLACE, Secretary of Agriculture.

19760. Adulteration and misbranding of canned shrimp. U. S. v. 150 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27895. I. S. Nos. 50439, 50446. S. No. 5939.)

Samples of canned shrimp from the shipment involved in this action were found to be partially decomposed. The article also was falsely branded as

to the name of the manufacturer and the State in which produced.

On March 10, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 150 cases of canned shrimp, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce, in part on or about February 23 and February 24, 1932, by J. H. Pelham, from Pascagoula, Miss., to New Orleans, La., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Orleans Brand Shrimp Packed by United Packing Co., New Orleans, La."

It was alleged in the libel that the article was adulterated in that it

consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statements, "Packed by United Packing Co., New Orleans, La.," were false and misleading and deceived and misled the purchaser.

On April 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered by the court, ordering that the

product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19761. Adulteration and misbranding of canned frozen eggs. U. S. v. 118 Cases of Frozen Whole Eggs. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 27971, I. S. No. 29622. S. No. 6018.)

Samples of canned frozen whole eggs from the shipment involved in this

action were found to contain undeclared added sugar.

On March 31, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 118 cases of canned frozen whole eggs, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Swift & Co., Clinton, Iowa, alleging that the article had been shipped in interstate commerce on or about January 23, 1932, from Clinton, Iowa, to Buffalo, N. Y., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Whole X."

It was alleged in the libel that the article was adulterated in that frozen eggs containing undeclared added sugar had been substituted for the article. Misbranding was alleged for the reason that the statement on the label, "Whole X" (meaning whole eggs), was false and misleading and deceived

and misled the purchaser.

On April 28, 1932, Swift & Co. of Buffalo, N. Y., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant to be relabeled, upon payment of costs and the execution of a bond in the sum of \$1,300, conditioned in part that it should not be sold or otherwise disposed of contrary to the food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19762. Adulteration of celery. U. S. v. 264 Crates of Celery. Default decree entered. Portion of product delivered to Government agency for experimental purposes; remainder destroyed. (F. & D. No. 27991. I. S. No. 48234. S. No. 6016.)

Arsenic was found on celery taken from the shipment involved in this action. On or about March 26, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 264 crates of celery, remaining in the original unbroken crates at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 17, 1932, by Chase & Co., from Beardall, Fla., to Buffalo, N. Y., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Crates) "Precooled and Each Stalk Washed—Chase & Co. Sanford, Florida."

It was alleged in the article that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might

have rendered it harmful to health.

On April 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that eight crates of the celery be delivered to this department for experimental purposes, and that the remainder be destroyed by the marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19763. Adulteration of canned shrimp. U. S. v. 15 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27920. I. S. No. 51735. S. No. 5960.)

Samples of canned shrimp from the interstate shipment involved in this action were found to be partially decomposed.

On March 18, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cases of canned shrimp, remaining in the original and unbroken packages at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about January 30, 1932, by Devitt & Son Co., from New Orleans, La., to Tampa, Fla., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sancho Panza en Barataria Brand Camarones * * * Devitt & Son Co., New Orleans, La."

It was alleged in the libel that the article was adulterated in that it consisted

in part of a decomposed animal substance.

On April 27, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19764. Adulteration and misbranding of canned mushrooms. U. S. v. American Mushroom Companies (Inc.). Plea of nolo contendere. Fine, \$100. (F. & D. No. 27428. I. S. Nos. 15589, 26577.)

This action was based on the interstate shipment of canned mushrooms, in which samples from one lot were found to contain excessive brine, and in which samples from the remaining lots were found to contain a greater pro-

portion of stems than should be found in canned whole mushrooms.

On February 1, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the American Mushroom Companies (Inc.), a corporation, trading at Avondale, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about June 13 and October 27, 1930, from the State of Pennsylvania into the State of Illinois, and on or about November 12, 1930, from the State of Pennsylvania into the State of New York, of quantities of canned mushrooms that were adulterated and misbranded. The article was labeled in part: (Can) "Minuet Brand Hothouse Mushrooms Buttons * * * sterilized in their own juice * * * American Mushroom Companies, Inc., New York."

It was alleged in the information that a portion of the article was adulterated in that excessive brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for mushrooms, which the said article purported to be. Adulteration was alleged with respect to the remainder for the reason that excessive stems had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted

in part for sliced mushrooms, which the article purported to be.

Misbranding of the lots that were found to contain excessive brine was alleged for the reason that the statements, "Mushrooms" and "Sterilized in their own juice," borne on the can label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article consisted wholly of mushrooms that had been sterilized in their own juice, whereas they did not consist wholly of mushrooms, but did consist in part of excessive brine, and said mushrooms were not sterilized in their own juice. Misbranding was alleged with respect to the remaining lots for the reason that the article was composed in part of excessive stems and was offered for sale and was sold under the distinctive name of another article, to wit, sliced mushrooms.

On April 1, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HENRY A. WALLACE, Secretary of Agriculture.

19765. Adulteration and misbranding of butter. U. S. v. 7 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28267. I. S. Nos. 53331, 53336. S. No. 6119.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On or about March 25, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven cases of print butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on March 11, 1932, by Swift & Co., from Columbus, Nebr., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Glenwood Creamery Butter * * * Distributed by Swift & Company, * * * Chicago, Ill."

It was alleged in the libel that the article was adulterated in that a product

deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, since it contained less than 80

per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it con-

tained less than 80 per cent of milk fat.

On April 5, 1932, Swift & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19766. Adulteration and misbranding of canned mushrooms. U. S. v. Brandywine Mushroom Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 26673. I. S. Nos. 16079, 20462.)

This action was based on the interstate shipment of two lots of canned mushrooms, samples of which were found to contain an excessive proportion of stems. The liquid in the article was described on the label as pure mushroom juice, whereas it consisted of water in which mushrooms had been cooked, with

a little added salt.

On October 9, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Brandywine Mushroom Corporation, trading at West Chester, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about March 23, 1931, from the State of Pennsylvania into the State of Virginia, and on or about April 1, 1931, from the State of Pennsylvania into the State of New York, of quantities of canned mushrooms that were adulterated and misbranded. The article was labeled in part: (Can) "Cultivated Brandywine Sliced Mushrooms Brandywine Mushroom Corp. West Chester Pa. * * * This sauce is pure mushroom juice."

It was alleged in the information that the article was adulterated in that a mushroom product, consisting in the major portion, of mushroom stems, had been substituted in large part for sliced mushrooms, which the article pur-

ported to be.

Misbranding was alleged for the reason that the statements, "Sliced Mushrooms" and "This sauce is pure mushroom juice," borne on the can label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was sliced mushrooms consisting in the major portion of mushroom caps, sliced, and that the sauce contained therewith was pure mushroom juice, whereas the article consisted in the major portion of mushroom stems, and the sauce consisted of a liquid mixture composed of blanch water and brine, which contained some extracted soluble solids.

On April 1, 1932, a plea of guilty to the information was entered on behalf

of the defendant company, and the court imposed a fine of \$50.

19767. Adulteration and misbranding of butter. U. S. v. 100 Cases, et al., of Butter. Consent decree of condemnation and forfeiture.

Product released under bond to be reworked. (F. & D. Nos. 28320, 28321. I. S. Nos. 55759, 55762, 55763, 55764. S. Nos. 6157, 6158.)

These actions involved the interstate shipment of quantities of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the

standard for butter prescribed by Congress.

On or about April 6 and April 15, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 349 cases of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce in part on March 12, 1932, and in part on March 26, 1932, by Armour Creameries, from Mitchell, S. Dak., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Armour's Cloverbloom * * * Full Cream Butter;" (shipping package) "Armour Creameries."

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained

less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less

than 80 per cent of milk fat.

On April 15, 1932, Armour & Co. of Delaware, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant, to be reworked under the supervision of this department, upon payment of costs and the execution of bonds totaling \$4,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19768. Adulteration of dressed bluefins. U. S. v. 2 Boxes of Fish (Bluefins), et al. Product adjudged unfit for human consumption and ordered destroyed. (F. & D. Nos. 27980, 27983, 27985. I. S. Nos. 53423, 53428, 53431. S. Nos. 6022, 6027, 6031.)

Samples of bluefins taken from the shipments involved in these actions were

found to be infested with parasitic worms.

On April 2 and April 5, 1932, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 2 boxes and 3 boxes, respectively, of the said bluefins at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, the former lot on or about March 28, 1932, and the latter on or about March 30, 1932, by the Hogstad Fish Co., from Duluth, Minn., to Cincinnati, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and for the

further reason that it consisted of portions of animals unfit for food.

On April 2 and April 5, 1932, the dates on which the respective lots were seized, decrees were entered by the court finding that the product was unfit for human consumption, and ordering its immediate destruction by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19769. Adulteration of butter. U. S. v. 7 Cubes, et al., of Butter. Product released under bond to be reworked. (F. & D. Nos. 27932, 27973. I. S. Nos. 46532, 46556. S. Nos. 5936, 6011.)

These actions involved the interstate shipment of quantities of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the

standard prescribed by Congress.

On February 18 and March 8, 1932, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 36 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Farmers Cooperative Producers Association, in part on or about February 10, 1932, from Arco, Idaho, and in part on or about February 29, 1932, from Mackay, Idaho, and had been transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in

part for butter.

On March 21, 1932, the Lucerne Cream & Butter Co., Los Angeles, Calif., having filed claims and answers admitting the allegations of the libels, and having executed bonds totaling \$650, conditioned in part that the product be reworked under the supervision of this department, decrees were entered ordering that the product be released to the said claimant for reconditioning. On April 11, 1932, the conditions of the bonds having been complied with, the court ordered that the release be made permanent and the bonds exonerated.

HENRY A. WALLACE, Secretary of Agriculture.

19770. Adulteration of butter. U. S. v. 15 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 1330-A. F. & D. No. 28292.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat,

the standard for butter prescribed by Congress.

On April 23, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about April 18, 1932, by the Borden Western Co. (Inc.), from Albany, Oreg., to Seattle, Wash., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of

milk fat as provided by law.
On April 28, 1932, the Fox River Butter Co. (Inc.), Seattle Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be made to conform with the law, and should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19771. Adulteration of apples. U. S. v. 756 Boxes of Apples. Consent decree ordering product released under bond to be cleaned. (F. & D. No. 28300. I. S. No. 54359. S. No. 6107.)

Excessive arsenic and lead spray residue were found on apples taken from

the interstate shipment involved in this action.

On April 14, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of the said apples, alleging that the article had been shipped in interstate commerce, on or about March 31, 1932, by the Wenatchee Produce Co. from Wenatchee, Wash., consigned to New York, N. Y., that it remained in possession of the transportation company at Jersey City, N. J., in the original unbroken packages, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Box) "Ex. Fancy Winesap H. Seaton Wenatchee, Wash. Rose Brand Apples Wenatchee Produce Co., Wenatchee."

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, namely, arsenic and lead, which might have ren-

dered it injurious to health.

On April 18, 1932, Hyman & Lieberman-Justman (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning the property, judgment was entered by thecourt ordering that the apples be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that they be cleaned so as to remove the excessive arsenic and lead spray residue. It was further ordered that the product be inspected and all apples not passed by this department as properly cleaned in compliance with the requirements of the Federal food and drugs act, be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19772. Adulteration of apple chops. U. S. v. 140 Bags of Apple Chops.

Decree of condemnation, forfeiture, and destruction. (F. & D. No. 27970. I. S. No. 52123. S. No. 6014.)

Samples of apple chops taken from the interstate shipment involved in this

action were found to be filthy and decomposed.

On April 4, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 140 bags of apple chops at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 22, 1931, by the A. B. Williams Fruit Co., from Ontario, N. Y., to Chicago, Ill., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed, filthy, and putrid vegetable substance.

On April 11, 1932, no appearance, claim, or answer having been made in the case, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19773. Misbranding of canned shrimp. U. S. v. 89 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released underbond to be relabeled. (F. & D. No. 27901. I. S. Nos. 47062, 47063. S. No. 5921.)

Sample cans of shrimp taken from the interstate shipment involved in this

action were found to contain less than the declared weight.

On March 10, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 89 cases of the said canned shrimp, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about January 5, 1932, by Dorgan McPhillips Packing Corporation, from Bayou Labatre, Ala., to St. Paul, Minn., and charging misbranding in violation of the food and drugs act as amended. The cans containing a portion of the article were labeled in part: "Alabama Brand Shrimp Wet Pack 5¾ Oz. * * * packed by Dorgan-McPhillips Packing Corporation, Mobile, Alabama." The cans containing the remainder were labeled in part: "Fairway Brand Wet Shrimp Contents 5¾ Oz. Distributed by Twin City Wholesale Grocer Co., St. Paul & Minneapolis, Minn."

It was alleged in the libel that the article was misbranded in that the statement of the weight appearing on the label, "Five and Three Quarters Oz.," was false and misleading, and in that the article was labeled so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the cans, since the quantity so specified on the label was

incorrect and false.

On April 24, 1932, an answer and claim of ownership having been filed, and the claimant having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered. The court having found that the product was not injurious and could be relabeled so as not to be in violation of the law, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or disposed of in violation of the Federal food and drugs act, and all other laws.

19774. Adulteration and misbranding of sirup. U. S. v. Chauvin Bros. Preserving Co. Plea of guilty. Fine, \$50. (F. & D. No. 27502. I. S. Nos. 24316.)

This action was based on the interstate shipment of two lots of sirup, in both of which samples were found to be short of the declared volume. Samples

taken from one lot were found to contain added molasses.

On March 28, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Chauvin Bros. Preserving Co., a corporation, Burnside, La., alleging shipment by said company on or about April 22, 1931, in violation of the food and drugs act, from the State of Louisiana into the State of Mississippi of quantities of sirup, a portion of which was misbranded and the remainder of which was adulterated and misbranded. A portion of the article was labeled in part: (Can) "Lucky Strike Brand Pure Open Kettle Sugar Cane Syrup Contents 3 Qts. 8 Fl. Oz." The remainder was labeled in part: "Louisiana Maid Pure Cane Syrup We guarantee this Syrup to be made from the Pure Juice of the Sugar Cane * * * Contents 3 Quarts-7 Fluid Ounces."

Adulteration was alleged in the information with respect to the Louisiana Maid sirup for the reason that an undeclared and added substance, to wit, molasses, had been substituted in part for pure sugar cane sirup, which the

article purported solely to be.

Misbranding was alleged for the reason that the statement "Contents 3 Qts. 8 Fl. Oz." with respect to the Lucky Strike brand sirup, and "Pure Cane Syrup * * * We Guarantee this Syrup to be made from the Pure Juice of the Sugar Cane * * * Contents 3 Quarts 7 Fluid Ounces," with respect to the Louisiana Maid sirup, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser; since the said statements represented that the cans each contained the amount labeled thereon, and that the said Louisiana Maid sirup was pure cane sirup made exclusively from the pure juice of the sugar cane, whereas the cans in each lot contained less than labeled and the Louisiana Maid sirup was made in part from an added and undeclared substance, namely, molasses. Misbranding was alleged with respect to the Louisiana Maid sirup for the further reason that the article was offered for sale under the distinctive name of another article, namely, sugar cane sirup, which it purported solely to be. Misbranding was alleged with respect to both lots for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was incorrect.

On April 11, 1932, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50.

HENRY A. WALLACE, Secretary of Agriculture.

19775. Misbranding of cottonseed cake and meal. U. S. v. Graco Milling Co. Tried to the court. Judgment in favor of the Government on two counts. Fine, \$200 and costs. Judgment for defendant on remaining 12 counts. (F. & D. No. 25020. I. S. Nos. 09602, 09603, 09604, 09608, 09611, 09636, 09645, 025850.)

This action was based on the interstate shipment of seven lots of cottonseed meal and cake. Samples taken from four of the consignments were found to contain less than 43 per cent of protein, the amount declared on the label, and certain sacks examined from the said shipments were also found to be short of the declared weight. In one of the remaining consignments, certain sacks were found to be short weight, and in the other two lots analyses showed less

protein than declared.

On August 14, 1930, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information containing 14 counts, against the Graco Milling Co., a corporation, Sherman, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, between the dates of May 6, 1929 and September 27, 1929, from the State of Texas into the State of Kansas, and on or about November 13, 1929, from the State of Texas into the State of Colorado, of quantities of cottonseed meal and cottonseed cake that was misbranded. A portion of the article was labeled in part: (Tag) "100 Pounds Net Graco 43% Brand 43% Protein Prime Cottonseed Cake or Meal * * * Guaranteed Analysis Protein, not less than 43% * * * Manufactured by Graco Milling Company, Sherman, Texas. Cairo,

Illinois." The remainder of the said article was labeled in part: "100 Pounds Net * * * Guaranteed Analysis: Protein, not less than 43%."

It was alleged in counts 3 and 6 of the information that the article covered by said counts was misbranded in that the statements, "100 Pounds Net," and "Guaranteed Analysis Protein not less than 43%," borne on the tags attached to the sacks containing the article, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser; since the sacks contained less than 100 pounds net of the article, and the product contained less than 43 per cent of protein. Similar charges were made in the remaining 12 counts, with the exception that 1 count charged short weight only, and 2 of the counts charged deficiency of protein only. Misbranding was alleged with respect to all but 2 lots of the article, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On April 6, 1932, a jury having been waived, the case came on for trial before the court. After hearing the evidence and arguments of counsel, the court found in favor of the Government on counts 3 and 6, and in favor of the defendant on all other counts. A penalty of \$200 and costs was imposed

against the defendant company.

HENRY A. WALLACE, Secretary of Agriculture.

19776. Adulteration of tomato puree. U. S. v. 31 Cases, et al., of Canned Tomato Puree. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27969, 28003. I. S. Nos. 46484, 46486. S. Nos. 6015, 6051.)

These actions involved the interstate shipment of quantities of tomato puree,

samples of which were found to contain excessive mold.

On March 31, 1932 and April 13, 1932, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 66 cases of tomato puree at Los Angeles, Calif. It was alleged in the libels that the article had been shipped in interstate commerce by the Pleasant Grove Canning Co., from Pleasant Grove, Utah, to Los Angeles, Calif., on February 23, 1931, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Can) "Timpanogos Brand Tomato Puree Packed by Pleasant Grove Canning Company, Pleasant Grove-Orem, Utah."

Adulteration of the article was alleged in the libels for the reason that it

consisted in part of a decomposed vegetable substance.

On May 10, 1932 and May 17, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19777. Adulteration of butter. U. S. v. 11 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (8156-A. F. & D. No. 28318.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat,

the standard prescribed by Congress.

On May 2, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages, alleging that the article had been shipped in interstate commerce on or about April 27, 1932, by the Jersey Butter Co. (Inc.), from Baltimore, Md., to Philadelphia, Pa., and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat.

On May 20, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

19778. Adulteration of cabbage. U. S. v. 26,000 Pounds of Cabbage. Decree of destruction. (5688-A. F. & D. No. 28335.)

Arsenic was found on cabbage taken from the interstate shipment involved in this action.

On May 10, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26,000 pounds of cabbage at Cincinnati, Ohio, consigned by M. E. Girard, on May 8, 1932, alleging that the article had been transported in interstate commerce from Lafayette, La., to Cincinnati, Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained arsenic, an added poisonous or deleterious ingredient which might have rendered

the article injurious to health.

In view of the perishable nature of the goods, and no claim having been entered for the property, the consignee recommended its immediate destruction. On May 20, 1932, a decree was entered, nunc pro tunc as of May 10, 1932, ordering that it be destroyed by the marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19779. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decreeof condemnation and forfeiture. Product released under bond. (10397-A. F. & D. No. 28354.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the

standard provided by Congress.

On May 12, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about May 5, 1932, by the Eustis Cooperative Creamery Co., Eustis, Nebr., through the Nebraska Cooperative Creamery, Omaha, Nebr., and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as

provided by the act of March 4, 1923.

The Eustis Cooperative Creamery Co., Eustis, Nebr., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On May 17, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

HENRY A. WALLACE, Secretary of Agriculture.

19780. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (10391-A. F. & D. No. 28338.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat,

the standard provided by Congress.

On May 9, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce, April 29, 1932, by Charles City Creamery Co., Charles City, Iowa, to New York City, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as

provided by the act of March 4, 1923.

George F. Wagner & Co., New York, N. Y., agent for the Charles City Creamery Co., Charles City, Iowa, interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On May 19, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

HENRY A. WALLACE, Secretary of Agriculture.

19781. Adulteration of cabbage. U. S. v. 1 Carload of Bulk Cabbage, et al. Product released under bond for reconditioning. (6609-A, 8595-A. F. & D. Nos. 28374, 28376.)

Arsenic was found on cabbage taken from the interstate shipments involved

in these actions.

On May 14 and May 17, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of one carload and 220 crates of cabbage, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, in part on or about May 4, 1932, and in part on or about May 8, 1932, by M. E. Girard, from Lafayette, La., to Pittsburgh, Pa., and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have

rendered the product harmful to health.

On May 17, 1932, M. E. Girard, Lafayette, La., claimant, having filed answers admitting the allegations of the libels, and having deposited cash bonds totaling \$750, orders were entered by the court granting leave to the claimant to recondition the goods under the supervision of this department. On May 21, 1932, the product having been reconditioned by removal of the arsenic, inspected, and passed by a representative of this department, and all costs of the proceedings having been paid, orders were entered releasing the goods and canceling the bonds.

HENRY A. WALLACE, Secretary of Agriculture.

19782. Adulteration of cabbage. U. S. v. 1 Carload of Cabbage. Product ordered released under bond to be reconditioned, and unfit portion destroyed. (6544-A. F. & D. No. 28343.)

Excessive arsenical spray residue was found on cabbage taken from the in-

terstate shipment involved in this action.

On May 6, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one carload of cabbage at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 30, 1932, by Breaux Bridge Farm Produce Co., from Breaux Bridge, La., to St. Louis, Mo., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained a poisonous substance, to wit, arsenic, which might have rendered the

article injurious to health.

On May 10, 1932, Cicardi Bros. Fruit & Produce Co., St. Louis, Mo., claimant, filed a petition for the delivery of the property and tendered a bond in the sum of \$1,000, conditioned that the product should not be sold or disposed of in violation of the Federal food and drugs act, and all other laws. The court having approved the bond, ordered that the cabbage be delivered to the said claimant to be brought into compliance with the laws by trimming each head to eliminate all leaves containing arsenical spray residue, that all portions found to be unfit for human consumption be destroyed, and that the fit portion be released. The decree further provided for payment of costs by the claimant.

19783. Adulteration of apples. U. S. v. 85 Boxes, et al., of Apples. Default decree of condemnation, forfeiture, and destruction. (148-A. F. & D. No. 28388.)

Lead and arsenic were found on samples of apples taken from the interstate

shipment involved in this action.

On May 17, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 141 boxes of apples, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 30, 1932, by the Pacific Fruit & Produce Co., from Wenatchee, Wash., to San Francisco, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Boxes) "Snoboy Brand Wenatchee Apples Distributed by Pacific Fruit & Produce Co."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, lead arsenate,

which might have rendered it harmful to health.

On May 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19784. Adulteration of apples. U. S. v. 756 Boxes of Apples. Product released under bond for reconditioning. (886-A. F. & D. No. 28349.)

Arsenic in an amount which might have rendered the article injurious to health was found on apples taken from the interstate shipment involved in

this action.

On April 30, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of apples, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 23, 1932, by F. W. Shields from Shannon, Wash., to Los Angeles, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "S. Optimus Fruit Ranch J. E. Shannon & Sons Proprietor * * * Yakima, Wash."

It was alleged in the libel that the article was adulterated in that it contained arsenic, an added poisonous or deleterious ingredient which might have

rendered it injurious to health.

On May 4, 1932, the Frank W. Shields Co., Yakima, Wash., claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$1,000, a decree was entered ordering that the product be delivered to the claimant for reconditioning under the supervision of this department. On May 1, 1932, the product having been reconditioned by removal of the arsenic, final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

HENRY A. WALLACE, Secretary of Agriculture.

19785. Misbranding of canned clams. U. S. v. 29 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27661. I. S. No. 32377. S. No. 5694.)

This action involved the interstate shipment of a quantity of canned clams,

samples of which were found short of the declared weight.

On January 14, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 cases of canned clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 12, 1931, by the Sergeant-Paup Co., from Seattle, Wash., to San Francisco, Calif., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Palace Brand Whole Butter Clams Net Contents 6 Lbs. 14 Oz. Haas Brothers Distributors San Francisco, Cal."

It was alleged in the libel that the article was misbranded in that the statement "Net Contents 6 Lbs. 14 Oz.," was false and misleading and deceived

and mislead the purchaser, since the amount of clams contained in said cans was less than that represented. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages,

since the cans contained less than represented.

On May 10, 1932, the Sergeant-Paup Co., Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be brought into conformity with the law under the supervision of this department, and should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19786. Adulteration of tomato puree and tomato catsup. U. S. v. 30 Cases of Tomato Puree, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27726, 27735. I. S. Nos. 47433, 47438. S. Nos. 5810, 5815.)

These actions involved the interstate shipment of quantities of tomato puree and tomato catsup, samples of which were found to contain excessive

mold.

On or about February 7 and February 11, 1932, the United States attorney for the Western District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 30 cases of tomato puree and 168 cases of tomato catsup at Oklahoma City, Okla. It was alleged in the libels that the articles had been shipped in interstate commerce by the Currie Canning Co., from Grand Junction, Colo., to Oklahoma City, Okla., the catsup having been shipped on or about October 10, 1931, and the puree having been shipped on or about December 3, 1931, and that they were adulterated in violation of the food and drugs act. The articles were labeled in part: (Cans) "R. B. M. Co. Brand Tomato Puree Distributed by Ridenour Baker Mercantile Co., Oklahoma City, U. S. A.;" "Heart of the Rockies Brand Tomato Catsup, C. C. Co. * * Packed by the Currie Canning Co., Grand Junction Colorado."

Adulteration of the articles was alleged in the libels for the reason that

they consisted in part of decomposed vegetable substance.

On May 3, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19787. Adulteration of cabbage. U. S. v. 1 Carload, et al., of Cabbage. Consent decrees of condemnation and forfeiture. Product released under bond to be reconditioned. (6610-A, 6670-A. F. & D. Nos. 28387, 28358.)

Arsenic in an amount which might have rendered the article injurious to health was found on cabbage taken from the interstate shipments involved

in these actions.

On May 11, 1932, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one carload of cabbage at Peoria, Ill. On or about May 13, 1932, the United States attorney for the Southern District of Indiana filed a libel against one carload of cabbage at Indianapolis, Ind. It was alleged in the libels that the article had been shipped in interstate commerce by M. E. Girard from Lafayette, La., the former on or about May 5, 1932, to Peoria, Ill., and the latter on or about May 6, 1932, to Indianapolis, Ind., and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it contained an added poisonous or deleterious ingredient, arsenic, which might

have rendered it injurious to health.

M. E. Girard, Lafayette, La., entered an appearance as claimant for the property in both cases and consented to the entry of decrees. On May 12 and May 14, 1932, respectively, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant

upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it should not be sold or disposed of in violation of the Federal food and drugs act and all other laws. The decrees provided further that the product be reconditioned under the supervision of this department and the unfit portions destroyed. In supervising the reconditioning this department required the complete removal of the arsenic by washing or other means.

HENRY A. WALLACE, Secretary of Agriculture.

19788. Adulteration and misbranding of butter. U. S. v. 20 Boxes of Butter. Default decree of forfeiture and destruction. (9407-A. F. & D. No. 28324.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat,

the standard provided by Congress.

On April 29, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 20 boxes of butter, remaining in the original and unbroken packages at Lowell, Mass., consigned about April 13, 1932, alleging that the article had been shipped by the Paul A. Schulze Co., from St. Louis, Mo., to Lowell, Mass., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Clover Springs Select Cream Country Roll Butter. * * * Distributed by Paul A. Schulze Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as provided by the act of March 4, 1923, which the said article

purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne

on the label, was false and misleading.

On May 24, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the marshal. The United States marshal disposed of the butter by donating it to a public institution.

HENRY A. WALLACE, Secretary of Agriculture.

19789. Adulteration and misbranding of butter. U. S. v. 3 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28342. I. S. Nos. 37640, 37641. S. No. 6052.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat,

the standard provided by Congress.

On April 5, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned about March 22, 1932, alleging that the article had been transported in interstate commerce by the Fred C. Mansfield Corporation, from London, Wis., to Baltimore, Md., and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the article and had been mixed and packed with it so as to reduce, lower, or

injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit,

butter.

On May 9, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal be directed to sell the goods under condition and instructions from this department. On May 23, 1932, it having been found impractical to sell the butter under such circumstances as to render the sale legal, the marshal was directed by the court to destroy the product.

19790. Adulteration of apples. U. S. v. 185 Boxes, et al., of Apples. Consent decrees of condemnation and forfeiture. Product released under bond. (11636-A, 11637-A, 11638-A, 11639-A. F. & D. Nos. 28392, under bond. 28393, 28394.)

Excessive arsenical spray residue was found on apples taken from the inter-

state shipments involved in these actions.

On May 18 and May 19, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 585 boxes of apples, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce in part on or about April 29, 1932, and in part on or about April 30, 1932, by the Wenatchee Produce Co., Wenatchee, Wash., to New York, N. Y., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Box) "Rose Brand Apples Wenatchee Produce Co. Wenatchee * * * Washington."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous ingredient, arsenic, which might have rendered it

injurious to health.

On May 23, 1932, the Hyman & Lieberman-Justman Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,500, conditioned in part that the excessive spray residue be removed so that the article comply with the requirements of the Federal food and drugs act. It was further ordered that any unfit or unwholesome portion be destroyed.

HENRY A. WALLACE, Secretary of Agriculture.

19791. Adulteration of tomato catsup. U. S. v. The Frazier Packing Co. The First National Bank of Marion, Ind., receiver for the Frazier Packing Co., substituted as defendant. Plea of nolo contendere. Fine, \$140. (F. & D. No. 26691. I. S. Nos. 8952, 10637, 10857, 10859, 10862, 13520, 13665, 15877, 15880, 15881, 15888, 16376, 19677, 19679.)

This action was based on the interstate shipment of several lots of tomato

catsup, samples of which were found to contain excessive mold.

On November 11, 1931, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Frazier Packing Co., a corporation, Elwood, Ind., alleging shipment by said company, in violation of the food and drugs act, in various consignments between the dates of September 23 and November 17, 1930, from the State of Indiana into the States of Pennsylvania, Missouri, Illinois, Ohio, New York, and Texas, of quantities of tomato catsup that was adulterated.

The article was labeled in part, variously: "Tomato Catsup * * * The Prazier Packing Co. Elwood, Indiana:" "Purity Brand High Grade Tomato

Frazier Packing Co. Elwood, Indiana;" "Purity Brand High Grade Tomato Ketchup Packed for Spiegel Bros. Co. McKeesport, Pa. * * * ;" "At-Last-A Brand * * * Tomato Catsup Hensgen-Peters-Smith Co., Distributors, St. A Brand * * * Tomato Catsup Hensgen-Peters-Smith Co., Distributors, St. Louis, Mo.;" Golden Drip Brand Fancy Tomato Catsup Distributed by Empire Distributing Co. St. Louis, Mo.;" "Sangamo Brand * * * Pure Tomato Catsup * * * Packed for Jageman-Bode Co. Springfield, Ill.;" "Clover Farm Brand * * * Tomato Catsup Distributed by Clover Farm Stores * * * Cleveland, Ohio.;" "Tastwel Brand * * * Tomato Catsup W. W. Harper Co. Zanesville, Ohio;" "White City brand * * * Pure Tomato Catsup Samuel Kunin & Sons, Inc., Distributors Chicago, Ill.;" "Crouse's Crown brand * * * Tomato Catsup Crouse Grocery Co. Distributors Syracuse, N. Y. and Utica, N. Y.;" "Tomato Catsup * * * Packed for Independent Grocers Alliance Distributing Co., Chicago, Illinois, U. S. A."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

consisted in part of a decomposed vegetable substance.

On June 20, 1932, the First National Bank of Marion, Ind., receiver for the Frazier Packing Co., having been substituted as party defendant, a plea of nolo contendere was entered and the court imposed a fine of \$140.

19792. Misbranding of butter. U. S. v. S Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (10507-A. F. & D. No. 28319.)

This action involved the interstate shipment of a quantity of butter, sam-

ples of which were found to be short of the declared weight.

On April 29, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 cases of butter at Jersey City, N. J., alleging that the article had been transported in interstate commerce by Wm. Buechse & Sons (Inc.), from the premises of F. F. Lowenfels & Sons, New York, N. Y., to Jersey City, N. J., on or about April 22 and April 26, 1932, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "1 Lb. Net Weight C. B. L. (best butter) Country Roll."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. Net Weight" was false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made

was incorrect.

On May 6, 1932, J. R. Kramer (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the product, judgment was entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be reprinted so that the rolls contain a full pound net and that it should be disposed of only in compliance with the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19793. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation, forfeiture, and destruction. (10511-A. F. & D. No. 28339.)

This action involved the interstate shipment of a quantity of butter, sample cartons of which were found to contain less than 1 pound net, the declared

weight.

On May 4, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three cases of butter at Hoboken, N. J., alleging that the article had been transported in interstate commerce by Brenner & Sons (Inc.), on April 20, 1932, from the premises of J. R. Kramer (Inc.), New York, N. Y., to Hoboken, N. J., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "B. B. B. Brenner's Better Butter * * * R. Brenner, Hoboken, New Jersey. * * * One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 Lb. Net Weight [One Pound Net]," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On May 10, 1932, the owner of the property having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States

marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19794. Adulteration of butter. U. S. v. 43 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (11003-A. F. & D. No. 28378.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the

standard prescribed by Congress.

On May 24, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 tubs of butter, remaining in the original and unbroken packages at New York City, N. Y., alleging that the article had been

shipped in interstate commerce on or about May 14, 1932, by the Farmers Cooperative Creamery, from Boone, Iowa, to New York City, N. Y., and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that it contained less than 80 per cent of milk fat, the standard prescribed by act of March

4, 1923.

The Farmers Cooperative Creamery, Boone, Iowa, interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On May 27, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

HENRY A. WALLACE, Secretary of Agriculture.

19795. Adulteration of celery. U. S. v. 236 Crates, et al., of Celery. Decree of condemnation and forfeiture. Product released under bond. (8084-A, 8201-A, 8208-A, 8209-A. F. & D. Nos. 28352, 28375.)

Arsenic was found on celery taken from the interstate shipments involved in

these actions.

On May 9 and May 18, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,286 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce between the dates of April 20, 1932 and May 3, 1932, from Titusville, Fla., to Philadelphia, Pa., by the Indian River Celery & Produce Co., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gor Jus Brand Indian River Celery & Produce Company, Titusville, Florida."

Adulteration was alleged in the libel filed with respect to a portion of the

Adulteration was alleged in the libel filed with respect to a portion of the article, for the reason that it contained an added poisonous or deleterious ingredient, to wit, arsenic. Adulteration was alleged in the libel filed with respect to the remainder of the article, for the reason that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it

harmful to health.

On May 20, 1932, the C. G. Justice Co., Philadelphia, Pa., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon the payment of costs and the execution of bonds totaling \$3,000, conditioned that the product should not be sold or otherwise disposed of contrary to the laws of the United States or of any State, Territory, District, or insular possession, and further that it be reconditioned under the supervision of this department. In supervising the reconditioning this department required the complete removal of the arsenic by washing or other means.

HENRY A. WALLACE, Secretary of Agriculture.

19796. Adulteration of cultured buttermilk. U. S. v. Hoosier Condensed Milk Co. Plea of nolo contendere. Fine, \$200 and costs. (F. & D. No. 26641. I. S. Nos. 28083, 28084, 28085.)

Examination of samples of a product represented to be cultured buttermilk showed that the article contained added starch and was deficient in protein,

fat, and total solids.

On November 17, 1931, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Hoosier Condensed Milk Co., a corporation. Bluffton, Ind., alleging shipment by said company in violation of the food and drugs act, on or about January 22, 1931, from the State of Indiana into the State of Pennsylvania, of a number of kegs, half-barrels, and barrels containing cultured buttermilk that was adulterated. The article was labeled in part: "Cultured Buttermilk Fat 1%, Lactic Acid 6%, Protein 12%, Total Solids 30%."

It was alleged in the information that the article was adulterated in that a product composed of condensed soured skim milk and starch, deficient in pro-

tein, fat, and total solids, had been substituted for cultured buttermilk, which

the article purported to be.

On June 28, 1932, the case came on for hearing before the court on a plea of nolo contendere entered on behalf of the defendant company. The court adjudged the defendant company guilty and imposed a fine of \$200 and costs.

Henry A. Wallace, Secretary of Agriculture.

19797. Misbranding of puree of apricots. U. S. v. Harold H. Clapp (Inc.). Plea of guilty. Fine, \$50. (F. & D. No. 26613. I. S. No. 15787.)

This action was based on the interstate shipment of a quantity of a product, labeled puree of apricots, samples of which were found to contain added sulphur disvide.

On September 14, 1931, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Harold H. Clapp (Inc.), Rochester, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about January 1 and January 15, 1931, from the State of New York into the State of Massachusetts, of a quantity of puree of apricots that were misbranded. The article was labeled in part: "Clapp's Original Puree of Apricots Approved Brand Baby Products. Mfg'd by Harold H. Clapp Inc. Rochester, N. Y. U.S.A."

It was alleged in the information that the article was misbranded in that

It was alleged in the information that the article was misbranded in that the statement "Puree of Apricots," borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was puree made from fresh apricots; whereas it was not, but was a product made from dried apricots containing added undeclared sulphur dioxide. Misbranding was alleged for the further reason that the article was offered for sale

under the distinctive name of another article.

On May 27, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, Secretary of Agriculture.

19798. Adulteration and misbranding of butter. U. S. v. 51 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (5522-A. F. & D. No. 28398.)

This action involved the interstate shipment of quantities of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the

standard prescribed by Congress.

On or about May 19, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 51 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Sanitary Butter Co., from Clinton, Iowa, in part on or about May 7, 1932, and in part on or about May 9, 1932, and had been transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sunlight Creamery Butter. The Cudahy Packing Co., Distributors."

It was alleged in the libel that the article was adulterated in that a substance

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with the said article, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled butter, which was false and misleading, since it contained

less than 80 per cent of milk fat.

On May 31, 1932, the Cudahy Packing Co.. Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws

19799. Adulteration and misbranding of canned shrimp. U. S. v. 25 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26875. I. S. No. 22296. S. No. 5052.)

Samples of canned shrimp taken from the shipment involved in this action

were found to be decomposed and short weight.

On August 17, 1931, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cases of canned shrimp, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 9, 1931, by the Pelican Lake Oyster & Packing Co., from New Orleans, La., to Seattle, Wash., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "S & W Large Size Shrimp Contents Weight 81/4 Oz."

It was alleged in the libel that the article was adulterated in that it con-

sisted in whole or in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement on the can,

"Contents Weight 8½ Oz.," was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 8, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that

the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19800. Adulteration of catsup. U. S. v. 158 Cases of Catsup. Default decree of destruction entered. (F. & D. No. 27764. I. S. No. 37389. cree of de S. No. 5850.)

This action involved the interstate shipment of a quantity of tomato catsup,

samples of which were found to contain excessive mold.

On February 23, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 158 cases of catsup, remaining in the original packages at Chillicothe, Ohio. It was alleged in the libel that the article had been shipped in interstate commerce by the Shirley Canning Co., from Shirley, Ind., to Chillicothe, Ohio, on or about January 27, 1932, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Cans) "Shirley Brand Fancy Catsup * * * Shirley Canning Co. Shirley, Indiana."

Adulteration of the article was alleged in the libel for the reason that it

consisted in part of a decomposed vegetable substance.

On May 7, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19801. Adulteration of prunes. U. S. v. John Clare Tracy (J. C. Tracy & Co.) Plea of guilty. Fine, \$250. (F. & D. No. 27420. I. S. Nos. 11087, 11088, 11089, 11090, 20454, 20456, 20459.)

This action was based on the interstate shipment of quantities of prunes, samples of which were found to be insect-infested, decomposed, bin-spoiled, and

excessively lye-cut.

On May 18, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against John Clare Tracy, trading as J. C. Tracy & Co., Dallas, Oreg., alleging shipment by said defendant in violation of the food and drugs act, between the dates of January 26, 1931, and February 23, 1931, from the State of Oregon into the January 26, 1931, and February 25, 1951, from the State of New York, of quantities of prunes that were adulterated. The article State of New York, "Oregon Prunes Web Foot Brand * * * Packed by J. C. Tracy & Co., Dallas, Oregon."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vege-

table substance.

On May 18, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$250.

19802. Adulteration of canned blackberries. U. S. v. 402 Cases, et al., of Canned Blackberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27749, 27763. I. S. Nos. 22449, 31668, 42894. S. Nos. 5682, 5687.)

These actions involved the interstate shipment of quantities of canned black-

berries, samples of which were found to contain excessive mold.

On February 16, 1932, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 402 cases of canned blackberries at El Paso, Tex., and on February 19, 1932, the United States attorney for the Middle District of Pennsylvania filed a libel against 39 cases of the product at Harrisburg, Pa. It was alleged in the libels that the article had been shipped in interstate commerce by the Washington Berry Growers Packing Corporation, from Sumner, Wash., the former to El Paso, Tex.. on or about October 1, 1931, and the latter to Harrisburg, Pa., on or about November 17, 1931, that it remained in the original unbroken packages, and that it was adulterated in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Inavale Brand Cultivated Blackberries * * * Packed by Washington Berry Growers Packing Corporation, Sumner, Washington." The remainder was labeled in part: "Select Pie Blackberries, * * * John H. Lock Co. Inc., Distributors, New York."

It was alleged in the libels that the article was adulterated in that it con-

sisted in part of a decomposed vegetable substance.

On May 7, and May 19, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered in each case and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19803. Misbranding of Kofig. U. S. v. 24 Packages of Kofig. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27961. I. S. No. 32620. S. No. 5983.)

This action involved the interstate shipment of a coffee substitute which was represented to be essentially a fig product and which, upon examination, was found to consist largely of cereal grains with but a small proportion of fruit (including figs) present. The labeling of the article also bore unwarranted

curative and therapeutic claims.

On March 31, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 packages of Kofig, remaining in the original unbroken packages at Denver, Colo., consigned by Natural Foods & Products Co., Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 7, 1931, from Los Angeles, Calif., to Denver, Colo., and that it was misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "The Genuine Original California Kofig * * *

J. R. Neff Mfr. & Sole Owner, Claremont, Calif."

It was alleged in the libel that the article was misbranded in that the state-

ments appearing on the label, "Kofig is rich in the vital laxative properties of sun-dried figs" and "The * * * fig beverage," were false and misleading when applied to an article containing essentially broken cereal grains, a small portion of fruit (including figs), and a trace of salt. Misbranding was alleged for the further reason that the statement on the carton regarding the curative or therapeutic effects of the article, "Stomach trouble, high blood pressure, poor

sleep, etc.," was false and fraudulent.

On May 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19804. Adulteration of dressed rabbits. U. S. v. 171 Barrels of Rabbits.

Default decree of condemnation, forfeiture, and destruction.

(F. & D. No. 27798. I. S. No. 38655. S. No. 5900.)

This action involved the interstate shipment of a quantity of dressed rabbits

which were found upon examination to be partially decomposed.

On March 2, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 171 barrels of rabbits at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 4, 1932, by the Henderson Produce Co., Monroe City, Mo., to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted

in part of a decomposed animal substance.

On May 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19805. Adulteration of bluefins. U. S. v. 3 Boxes of Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27981. I. S. No. 47835. S. No. 6025.)

This action involved the interstate shipment of a quantity of bluefins, samples of which were found upon examination to be infested with parasitic worms.

On April 2, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three boxes of fish (bluefins) at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about March 28, 1932, by the North Shore Fish & Freight Co., from Duluth, Minn., to Detroit, Mich., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance, and in

that it consisted of portions of animals unfit for food.

On May 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19806. Adulteration of apples. U. S. v. 756 Boxes of Apples. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 27976. I. S. No. 22490. S. No. 5976.)

This action involved the interstate shipment of a quantity of apples which, upon examination, were found to bear an excessive amount of arsenical spray residue.

On March 14, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of apples that had been delivered to the Port Dock, Tacoma. Wash., by the C. C. Smith Fruit Co., of Seattle. Wash., on or about March 10, 1932, for shipment to a foreign country. It was alleged in the libel that the article had been shipped from Seattle, Wash., consigned to Hamburg, Germany, on or about March 10, 1932, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "Persian Brand Northwest Apples. C. C. Smith Fruit Co."

Adulteration of the article was alleged in the libel for the reason that it contained an excessive amount of arsenic trioxide, which might have rendered

it injurious to health.

A claim which had been entered for the product having been withdrawn a relief organization of Tacoma, Wash., petitioned the court for permission to take the product down under bond for reconditioning. On May 7, 1932, H. L. Gloyd, Tacoma, Wash., a representative of said organization, appeared, admitted the allegations of the libel, and consented to the entry of a decree. Judgment of condemnation and forfeiture was entered, and the court having found that the apples might be reconditioned by removing the spray residue, ordered that they be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that they should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

19807. Adulteration and misbranding of tomato catsup. U. S. v. 98 Cases of Tomato Catsup. Decree of condemnation and forfeiture.
Product released under bond to be relabeled. (F. & D. No. 28214, I. S. No. 52435. S. No. 6094.)

This action involved the interstate shipment of a quantity of tomato catsup,

samples of which were found to contain added gum.

On or about April 19, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 98 cases of tomato catsup, remaining in the original unbroken packages at New Orleans, La., alleging that 81 cases of the article had been shipped in interstate commerce on or about January 30, 1932, by Hunt Bros. Packing Co., from San Francisco, Calif., to New Orleans, La., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Gresham Brand Tomato Catsup Packed by California Conserving Co. Incorporated, San Francisco."

It was alleged in the libel that the article was adulterated in that tomato

catsup containing added gum had been substituted for the said article.

Misbranding was alleged for the reason that the article was offered for sale and was sold under the distinctive name of another article, and for the further reason that the statement on the label, "Tomato Catsup," was false and mis-

leading and deceived and misled the purchaser.

On May 18, 1932, a claim having been entered for a portion of the product by an agent of the Hunt Bros. Packing Co., San Francisco, Calif., and claimant having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it should not be sold or otherwise disposed of until relabeled in compliance with the Federal food and drugs act.

HENRY A. WALLACE, Secretary of Agriculture.

19808. Adulteration and misbranding of tomato catsup. U. S. v. 98 Cases of Tomato Catsup. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 28213. I. S. No. 52434. S. No. 6090.)

This action involved the interstate shipment of a quantity of tomato catsup,

samples of which were found to contain added gum.

On or about April 19, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 98 cases of tomato catsup, remaining in the original unbroken packages at New Orleans, La., alleging that 17 cases of the article had been shipped in interstate commerce on or about November 18, 1931, by the California Conserving Co., from San Francisco, Calif., to New Orleans, La., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Gresham Brand Tomato Catsup Packed by California Conserving Co. Incorporated San Francisco."

It was alleged in the libel that the article was adulterated in that tomato catsup containing added gum had been substituted for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that the statement on the label, "Tomato Catsup," was false and misleading and

deceived and misled the purchaser.

On May 18, 1932, a claim having been entered for a portion of the product by an agent of the California Conserving Co., San Francisco, Calif., and claimant having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond conditioned in part that it should not be sold or otherwise disposed of until relabeled in compliance with the Federal food and drugs act.

19809. Adulteration of walnut meats. U. S. v. 25 Cartons of Walnut Meats.

Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27989. I. S. No. 32623. S. No. 6038.)

This action involved an interstate shipment of walnut meats, samples of

which were found to be moldy and insect-infested.

On April 9, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cartons of walnut meats, remaining in the original unbroken packages at Denver, Colo., consigned by Leon Mayer, Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 18, 1932, from Los Angeles, Calif., to Denver, Colo., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 11, 1932, Leon Mayer, Los Angeles, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reconditioning under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that the walnuts should not be sold or disposed of contrary to the laws of the United States or of the State of Colorado. In supervising the reconditioning this department required the separation and destruction of the unfit portion.

HENRY A. WALLACE, Secretary of Agriculture.

19810. Alleged adulteration of scallops. U. S. v. Wallace M. Quinn (The Wallace M. Quinn Co.). Tried to a jury. Verdict of not guilty. (F. & D. No. 26647. I. S. Nos. 5684, 16025, 27968, 28476, 29351, 29352, 29353.)

This action was based on several interstate shipments of scallops. Samples taken from each of the shipments were found to contain a greater amount of

water than is normal to scallops.

On October 29, 1931, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Wallace M. Quinn, trading as the Wallace M. Quinn Co., Morehead City, N. C., charging shipment by said defendant in violation of the food and drugs act, between the dates of March 10 and March 13, 1931, from the State of North Carolina into the States of Massachusetts, Pennsylvania, and New York, and the District of Columbia, of quantities of scallops that were alleged to be adulterated.

It was alleged in the information that the article was adulterated in that an added substance, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article; and for the further reason that scallop solids, a valuable constituent of the article, had been, in part, abstracted.

On April 12, 1932, the case was tried to a jury. The Government introduced its evidence at the conclusion of which the defense moved for a directed verdict, which motion was argued by counsel and overruled by the court. After the completion of defendant's testimony the defense again moved for a directed verdict, which was overruled, and the case went to the jury on the court's charge. The jury retired, and after due deliberation returned a verdict of not guilty.

HENRY A. WALLACE, Secretary of Agriculture.

19811. Adulteration and misbranding of vinegar. U. S. v. 62 Cases of Vinegar. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. No. 27913. I. S. No. 32604. S. No. 5948.)

This action involved the interstate shipment of a quantity of vinegar, sam-

ples of which were found to be deficient in acidity.

On March 15, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 62 cases of vinegar, remaining in the original

packages at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about October 24, 1931, by the Crown Products Corporation, Sacramento, Calif., to Albuquerque, N. Mex., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottles) "Gilt Edge Apple Cider Vinegar diluted to 4.0% acid strength. Crown Products Corp., San Francisco, U. S. A."

It was alleged in the libel that the article was deficient in acidity and was

It was alleged in the libel that the article was deficient in acidity and was adulterated and misbranded. Misbranding was more specifically alleged in the libel for the reason that the statement on the label, "Apple Cider Vinegar diluted to 4.0% acid strength," was false and misleading and deceived and mis-

led the purchaser.

On May 2, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be donated to a charitable institution for its own use and not for sale.

HENRY A. WALLACE, Secretary of Agriculture.

19812. Alleged adulteration of scallops. U. S. v. Arley G. Sterling and Wilson B. Sterling (A. G. Sterling Co.). Tried to a jury. Verdict of not guilty. (F. & D. No. 26656. I. S. No. 20825.)

This action was based on the interstate shipment of a quantity of scallops, samples of which were found to contain a greater amount of water than is

normal to scallops.

On October 29, 1931, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Arley G. Sterling and Wilson B. Sterling, copartners trading as the A. G. Sterling Co., Morehead City, N. C., alleging shipment by said defendants in violation of the food and drugs act on or about March 10, 1931, from the State of North Carolina into the State of New York, of quantities of scallops that were alleged to be adulterated.

It was alleged in the information that the article was adulterated in that an added substance, water, had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for the said article; and for the further reason that scallop solids, a valuable

constituent of the article, had been, in part, abstracted.

On April 13, 1932, the case came on for trial before the court and a jury. After hearing the evidence introduced on behalf of the Government and the defendant, the jury returned a verdict of not guilty..

HENRY A. WALLACE, Secretary of Agriculture.

19813. Misbranding of prepared mustard and peanut butter. U. S. v. 14
Cases of Mustard, et al. Product ordered released under bond.
(F. & D. Nos. 28011, 28012. I. S. Nos. 52341, 52342. S. No. 6068.)

This case involved the interstate shipment of quantities of prepared mustard and peanut butter. Sample jars of both products were found to contain less

than the declared weight.

On April 15, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of prepared mustard and 24 cases of peanut butter at Flint, Mich., alleging that the articles had been shipped in interstate commerce on or about March 28, 1932, by the Sure Good Foods (Inc.), from Chicago, Ill., to Flint, Mich., and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: "Oh Sam Net Wt. 2 Lbs. Prepared Mustard [or "Peanut Butter"] * *

from Chicago, Ill., to Flint, Mich., and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: "Oh Sam Net Wt. 2 Lbs. Prepared Mustard [or "Peanut Butter"] * * * Central Whol. Co., Inc., Flint, Mich."

It was alleged in the libel that the articles were misbranded in that the statement on the labels, "Net Wt. 2 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since

the statement made was not correct.

On May 18, 1932, the violation of the law having been admitted by the sole claimant, and a bond having been executed and filed conditioned that the product, if released, would not be sold or disposed of until brought into com-

pliance with the provisions of the law, judgment was entered ordering that the goods be delivered to the manufacturer, the Sure Good Foods (Inc.), Chicago, Ill.

HENRY A. WALLACE, Secretary of Agriculture.

19814. Adulteration and misbranding of butter. U. S. v. 7 Cases, et al., of Butter. Default decrees of condemnation, forfeiture, and destruction. 6551-A, 6556-A, 6557-A, 6605-A. F. & D. Nos. 28289, 28315, 28316, 28317.)

These actions involved the interstate shipment of several lots of butter, samples of which were found to contain less than 80 per cent by weight of

milk fat, the standard prescribed by Congress.

On April 25 and April 27, 1932, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 68 cases of butter at Memphis, Tenn., alleging that the article had been shipped by the Elsass Creamery Co., from Rector, Ark., on various dates from April 15 to April 21, 1932, inclusive, and had been transported in interstate commerce from the State of Arkansas into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cartons) "Monogram Creamery Butter * * * The Cudahy Packing Co."

It was alleged in the libels that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted in

whole or in part for the article.

Misbranding was alleged for the reason that the statement, "Butter" was

false and misleading when applied to a product deficient in butterfat.

On May 27, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19815. Adulteration of pecans. U. S. v. 300 Bags of Pecans. Product re-leased under bond to be sorted, and bad portion destroyed. (F. & D. No. 27928. I. S. No. 53936. S. No. 5970.)

Samples of nuts taken from the shipments involved in this action were

found to be wormy, decomposed, and moldy.

On March 18, 1932, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 bags of pecans at East St. Louis, Ill., alleging that the article had been shipped in interstate commerce on or about March 11, 1932, by H. L. Cromartie, from Albany, Ga., to East St. Louis, Ill., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a filthy, decomposed, or putrid vegetable substance.

The F. W. Woolworth Co., East St. Louis, Ill., filed a claim and answer praying release of the product, and tendered its bond in the sum of \$1,500, conditioned that the product should not be sold or otherwise disposed of contrary to the Federal food and drugs act. On May 4, 1932, the court approved the bond and ordered that the product be delivered to the claimant or its agent to be shelled under the supervision of this department, the shelled meats graded, and the unfit portion destroyed.

HENRY A. WALLACE, Secretary of Agriculture.

19816. Adulteration of apples. U. S. v. 630 Boxes, et al., of Apples. crees of condemnation and forfeiture. Product released t bond. (F. & D. Nos. 28307, 28308. I. S. Nos. 52972, 52974. S. Nos. 6087.) De-S. Nos. 6048.

Arsenic was found on apples taken from the interstate shipments involved in these actions.

On April 5 and April 6, 1932, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,265 boxes of apples, remaining in the original unbroken packages, in part at Minneapolis, Minn., and in part at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about March 24

and March 26, 1932, by McKercher & Ross, from Wenatchee, Wash., and had been transported from the State of Washington into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bull's-Eye Brand Northwestern Apples."

It was alleged in the libels that the article was adulterated in that it con-

tained an added poisonous or other added deleterious ingredient which might have rendered it injurious to health.

On April 12 and May 3, 1932, a claimant having appeared and filed answers admitting all the material allegations of the libels, judgments of condemnation and forfeiture were entered. The court having found that the article might be washed or dipped so as not to be in violation of the food and drugs act, ordered that the marshal, in lieu of disposing of the apples by sale or destruction, might deliver them to the claimant, upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that they should not be sold or disposed of contrary to the provisions of the food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19817. Adulteration of candies. U. S. v. 17 Boxes of Candies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27269. I. S. No. 45815. S. No. 5409.)

This action involved the interstate shipment of a quantity of candy, in which

a hard marble was embedded and concealed in each piece.

On November 21, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 boxes of candies, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped in interstate commerce on or about February 5, 1931, by the Standard Candy Co., from Nashville, Tenn., to Meridian, Miss., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Standard Candy Co.'s * * * Fine Candies Standard Candy Co., Nashville, Tenn., Purity Brand Candies * * * Champion M. M. Marbles."

It was alleged in substance in the libel that the article had been shipped in interstate commerce in violation of the section and paragraph of the act applicable to confectionery, in that it contained an ingredient, namely, hard marbles, deleterious or detrimental to health. It was further alleged that the article was in violation of the section and paragraph of the act applicable to food, in that it contained an added deleterious ingredient which might have rendered it

injurious to health.

On May 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19818. Adulteration of apples. U. S. v. 630 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond to be washed or dipped. (F. & D. No. 28023. I. S. No. 53478. S. No. 6043.)

Arsenic was found on samples of apples taken from the shipment involved

in this action.

On April 2, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 630 boxes of apples, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about March 22, 1932, by Ned Derry, from Wenatchee, Wash., to Minneapolis, Minn., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Boxes) "Bull's Eye Brand Northwestern Apples."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or other deleterious ingredient which might have

rendered it injurious to health.

On April 6, 1932, Leon K. Stein & Co., Minneapolis, Minn., having filed a claim and answer admitting all the material allegations of the libel, judgment of condemnation and forfeiture was entered. The court having found that the article might be brought into compliance with the food and drugs act by removal of the arsenic by washing, ordered that it be released to the said claimant for this purpose, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that they should not be sold or disposed of contrary to the provisions of the food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19819. Misbranding of dairy feed. U. S. v. Naive-Spillers Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 26687. I. S. No. 18369.)

This action was based on the interstate shipment of a quantity of dairy feed, samples of which were found to contain oat and barley hulls, screenings, refuse, and weed seeds. The samples examined also were found to contain no wheat shorts, ground oats, or alfalfa meal, three of the declared ingredients.

On October 20, 1931, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Naive-Spillers Corporation, Nashville, Tenn., alleging shipment by said company in violation of the food and drugs act, on or about March 3, 1931, from the State of Tennessee into the State of Kentucky of a quantity of dairy feed that was misbranded. The article was labeled in part: (Tag) "Cream Maker Dairy Feed Made by The Hermitage Mills, Nashville, Tenn. * * * Made From: Old Process Cocoanut Oil Cake Meal, Wheat Shorts, Ground Oats, Corn Feed Meal, Cottonseed Meal, Alfalfa Meal, Bone Meal 2%, Molasses, Salt 1%."

It was alleged in the information that the article was misbranded in that the statements, "Made From: Old Process Cocoanut Oil Cake Meal, Wheat Shorts, Ground Oats, Corn Feed Meal, Cottonseed Meal, Alfalfa Meal, Bone Meal 2%, Molasses, Salt 1%," borne on the tags attached to the sacks containing the article, were false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was made exclusively of the ingredients declared on the label and that it contained, among other named ingredients, wheat shorts, ground oats, and alfalfa meal; whereas it was made largely from undeclared foreign fibrous material composed in part of oat and barley hulls, screenings, refuse, and weed seeds, and did not contain wheat shorts, ground oats, and alfalfa meal.

On May 19, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HENRY A. WALLACE, Secretary of Agriculture.

19820. Adulteration of dried peaches and figs. U. S. v. Crawford A. Porter (F. M. Burnham & Co.). Plea of guilty. Fine, \$40. (F. & D. No. 26658. I. S. Nos. 11612, 11613.)

This action was based on the interstate shipment of quantities of dried

peaches and figs, samples of which were found to be decomposed.

On April 4, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Crawford A. Porter, trading as F. M. Burnham & Co., San Francisco, Calif., alleging shipment by said defendant, in violation of the food and drugs act, on or about October 30, 1930, from the State of California into the State of New York, of quantities of dried peaches and figs that were adulterated.

It was alleged in the information that the articles were adulterated in that they consisted in part of filthy and decomposed vegetable substances.

On May 16, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$40.

HENRY A. WALLACE, Secretary of Agriculture.

19821. Adulteration of dried black grapes. U. S. v. 100 Cases of Dried Black Grapes. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 28212. I. S. No. 43324. S. No. 6089.)

This action involved the interstate shipment of a quantity of dried black grapes, samples of which were found to be insect-infested, moldy, and dirty. On April 18, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of the said dried black grapes, remaining

in the original unbroken packages at Pittsburg, Pa., alleging that the article

had been shipped in interstate commerce on or about March 8, 1932, by the California Packing Corporation, from San Francisco, Calif., to Pittsburgh, Pa., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Winner Brand Dried Black Grapes Western Fruit Packing Co., San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a filthy, decomposed, or putrid vegetable substance.

On May 31, 1932, by consent of the claimant, judgment of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19822. Adulteration of pears. U. S. v. C. M. Holtzinger Fruit Co. (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 26640. I. S. No. 13160.)

Arsenic and lead were found on pears taken from the interstate shipment

on which this action was based.

On November 10, 1931, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against C. M. Holtzinger Fruit Co. (Inc.), a corporation, Yakima, Wash., alleging shipment by said company in violation of the food and drugs act on or about February 18, 1931, from the State of Washington into the State of California, of a quantity of pears that were adulterated.

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, in

amounts that might have rendered it injurious to health.

On May 4, 1932, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HENRY A. WALLACE, Secretary of Agriculture.

19823. Misbranding of dairy feed. U. S. v. The Hermitage Mills (Inc.). Plea of guilty. Fine, \$50. (F. & D. No. 26622. I. S. Nos. 011128, 011129.)

This action was based on the interstate shipments of quantities of dairy feed, samples of which were found to contain more fiber than declared on the label. Examination also showed the presence of excessive undeclared oat hulls.

On October 21, 1931, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Hermitage Mills, a corporation, Nashville, Tenn., alleging shipment by said company in violation of the food and drugs act, from the State of Tennessee into the State of Kentucky, in part on or about January 8, 1930, and in part on or about February 6, 1930, of quantities of dairy feed that was misbranded. The article was labeled in part: (Tag) "Jersey Queen Dairy Feed Made By The Hermitage Mills, Nashville, Tenn., Guaranteed Analysis Per Cent * * * Fiber 15.00. Made From: Old Process Cocoanut Oil Cake Meal, Wheat Shorts, Ground Oats, Corn Feed Meal, Cottonseed Meal, Alfalfa Meal, Bone Meal 2%, Molasses, Salt 1%."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed Analysis Per Cent * * * Fiber 15.00" and "Made From: Old Process Cocoanut Oil Cake Meal, Wheat Shorts, Ground Oats, Corn Feed Meal, Cottonseed Meal, Alfalfa Meal, Bone Meal 2%, Molasses, Salt 1%," borne on the tag attached to the bags containing the article were false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article contained 15 per cent of fiber, and was made exclusively from the ingredients declared on the tag, whereas it contained more than 15 per cent of fiber and was not made exclusively from the ingredients stated on the tag, but was made in part of and contained an excessive quantity of oat hulls.

On May 19, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

19824. Adulteration of canned tuna. U. S. v. 24½ Cases of Canned Tuna. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27814. I. S. No. 43155. S. No. 5920.)

This action involved the interstate shipment of a quantity of canned tuna,

samples of which were found to be partly decomposed.

On March 5, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24½ cases of canned tuna, remaining in the original unbroken packages at Lancaster, Pa., alleging that the article had been shipped in interstate commerce on or about February 4, 1932, by the Van Camp Sea Food Co. (Inc.), from Terminal Island, Calif., to Lancaster, Pa., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Chicken of the Sea Brand * * * Fancy Tuna * * * Packed by Van Camp Sea Food Company, Inc. * * * Los Angeles Harbor Calif."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed animal substance.

On May 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19825. Adulteration of slab prunes. U. S. v. 137 Boxes of Slab Prunes.

Decree of condemnation, forfeiture, and destruction. (F. & D. No. 27795. I. S. No. 48143. S. No. 5896.)

This action involved the interstate shipment of a quantity of slab prunes,

samples of which were found to be wormy, decomposed, and filthy.

On February 27, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 137 boxes of slab prunes, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 19, 1932, by Rosenberg Bros. & Co., from San Francisco, Calif., to Philadelphia, Pa., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "E-Z Slab Prunes * * * California Slab Prunes."

It was alleged in the libel that the article was adulterated in that it consisted

in part of a filthy, decomposed, and putrid vegetable substance.

On May 24, 1932, the seizure being uncontested by the sole intervener, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19826. Adulteration of butter. U. S. v. 23 Cubes, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 28285. I. S. Nos. 23514, 23516. S. No. 6104; and 1701-A. F. & D. No. 28286.)

These actions involved the interstate shipment of quantities of butter, samples of which were found to contain less than 80 per cent by weight of milk fat,

the standard for butter prescribed by Congress.

On April 15 and on April 18, 1932, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, flled in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 63 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, in part on or about April 11, 1932, and in part on or about April 13, 1932, by the Wilcox Produce (Inc.), from Portland Oreg., to Seattle, Wash., and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat

as provided by law.

On April 22 and April 27, 1932, the Wilcox Produce Co., of Portland, Oreg., and the Fox River Butter Co. (Inc.), of Seattle, Wash., having appeared as claimants for respective portions of the product and having admitted the allega-

tions of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that it be brought into compliance with the law and that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19827. Adulteration of canned prunes. U. S. v. Silverton Food Products Co. Plea of guilty. Fine, \$50. (F. & D. No. 27527. I. S. No. 16471.)

This action was based on the interstate shipment of a quantity of canned

prunes, samples of which were found to be partially decomposed.

On May 13, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Silverton Food Products Co., a corporation, Silverton, Oreg., alleging that on or about October 11, 1930, the defendant company had delivered to a firm at Corvallis, Oreg., a quantity of canned prunes under a guaranty that the product conformed to the requirements of the food and drugs act, and that on or about October 17, 1930, the product had been shipped by the purchaser thereof in the identical condition as when delivered by defendant, from Corvallis, Oreg., to Nashville, Tenn., and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Cans) "Mountain View Brand Fresh Oregon Prunes."

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed and putrid vegetable substance.

On May 13, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, Secretary of Agriculture.

19828. Adulteration and misbranding of tomato ketchup. U. S. v. Alvin A. Baumer (Baumer's Food Products Co.). Plea of guilty. Fine, \$5. (F. & D. No. 27568. I. S. No. 26741.)

This action was based on the interstate shipment of a quantity of tomato ketchup, samples of which were found to contain undeclared added starch.

On May 2, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Alvin A. Baumer, trading as Baumer's Food Products Co., New Orleans, La., alleging shipment by said defendant in violation of the food and drugs act, on or about May 12, 1931, from the State of Louisiana into the State of Mississippi, of a quantity of tomato ketchup that was adulterated and misbranded. The article was labeled in part: (Bottles) "Tomato Ketchup * * Baumer's Food Products Co. New Orleans, La."

It was alleged in the information that the article was adulterated in that an added and undeclared substance, to wit, starch, had been substituted in part

for tomato ketchup which the article purported solely to be.

Misbranding of the article was alleged for the reason that the statement "Tomato Ketchup," together with the design of red ripe tomatoes, borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement and design represented that the product consisted solely of tomato ketchup, whereas it consisted in part of an added and undeclared substance, to wit, starch.

On May 26, 1932, the defendant entered a plea of guilty to the information,

and the court imposed a fine of \$5.

HENRY A. WALLACE, Secretary of Agriculture.

19829. Adulteration of frozen eggs. U. S. v. L. Claude Henderson (Henderson Produce Co.). Plea of nolo contendere. Fine, \$50. (F. & D. No. 26600. I. S. No. 28339.)

This action was based on the interstate shipment of a quantity of frozen eggs.

samples of which were found to be decomposed or sour.

On January 8, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against L. Claude Henderson, a member of a co-partnership trading as the Henderson Produce Co., Monroe City, Mo., alleging shipment by said company on or about August 25, 1930, from the State of Missouri into the State of New

York, in violation of the food and drugs act, of a quantity of frozen eggs that were adulterated. The article was billed as "Frozen Eggs."

It was alleged in the information that the article was adulterated in that

it consisted in part of a decomposed animal substance.

On May 23, 1932, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

HENRY A. WALLACE, Secretary of Agriculture.

19830. Adulteration of tomato puree. U. S. v. 1,127 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27646. I. S. No. 12636. S. No. 5685.)

Samples of tomato puree from the shipment involved in this action were

found to contain excessive mold.

On January 8, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,127 cases of tomato puree, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about April 27, 1931, by the Rocky Mountain Packing Corporation from Roy, Utah, to Portland, Oreg., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Gateway Brand Tomato Puree * * * Packed by Perry Canning Co., Perry, Utah."

It was alleged in the libel that the article was adulterated in that it consisted

in part of a decomposed vegetable substance.

On May 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered by the court ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19831. Adulteration and misbranding of butter. U. S. v. 77 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F, & D. No. 28266. I. S. No. 48117. S. No. 6109.)

Samples of butter from the shipment involved in this action were found to contain less than 80 per cent by weight of milk fat, the standard for butter

provided by Congress.

On April 18, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 77 boxes of butter, remaining in the original unbroken packages at Somerville, Mass., consigned about April 6, 1932, alleging that the article had been shipped in interstate commerce by the R. E. Cobb Co., from Valley City, N. Dak., to Somerville, Mass., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Butter."

It was alleged in the libel that the article was adulterated, in that a product containing less than 80 per cent by weight of milk fat had been substituted for

butter, which the said article purported to be.

Misbranding was alleged for the reason that the product was labeled butter, which was false and misleading, since it contained less than 80 per

cent of milk fat.

On April 25, 1932, the First National Stores (Inc.), Somerville, Mass., having appeared as claimant for the property, and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the filing of cash bond in the sum of \$700, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act, and all other laws. It was further ordered that the product be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

HENRY A. WALLACE, Secretary of Agriculture.

19832. Adulteration of marshmallow candy. U. S. v. 15 Boxes of Brock's Marshmallow Marbles. Default decree of condemnation and destruction. (F. & D. No. 27583. I. S. No. 24248. S. No. 5607.)

This action involved the interstate shipment of a quantity of candy, in which a hard marble was embedded and concealed in each piece.

On December 23, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 boxes of Brock's marshmallow marbles, remaining in the original unbroken packages at Greenville, Miss., alleging that the article had been shipped in interstate commerce on or about March 18, 1931, by the Brock Candy Co., from Chattanooga, Tenn, to Greenville, Miss., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Box) "Brock's Marshmallow Marbles * * * Brock Candy Co., Chattanooga, Tenn."

It was alleged in the libel that the article was adulterated in violation of the section and paragraph of the act applicable to confectionery in that it contained an ingredient, namely, hard marbles, deleterious or detrimental to health. It was further alleged that the article was adulterated in violation of the section and paragraph of the act applicable to food in that it contained an added deleterious ingredient which might have rendered it injurious to health.

On May 17, 1932, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19833. Adulteration of canned prunes. U. S. v. Eugene Fruit Growers Association. Plea of guilty. Fine, \$50. (F. & D. No. 27547. I. S. Nos. 14623, 24032.)

This action was based on the interstate shipment of quantities of canned

prunes, samples of which were found to be partially decomposed.

On May 10, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Eugene Fruit Growers Association, a corporation, Eugene, Oreg., alleging shipment by said company, in part on or about November 26, 1930, and in part on or about December 17, 1930, in violation of the food and drugs act, from the State of Oregon into the States of Kansas and Illinois, of quantities of canned prunes that were adulterated. The article was labeled in part: (Cans) "Winwood Brand * * * Italian Prunes" and "Blossom Brand Prune Plums."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable

substance.

On May 10, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, Secretary of Agriculture.

19834. Adulteration of butter. U. S. v. Lake County Farmers Cooperative Creamery Association. Plea of guilty. Fine, \$10. (F. & D. No. 27513. I. S. No. 29235.)

This action was based on the interstate shipment of butter, samples of which were found to be deficient in milk fat, since they contained less than 80 per cent of milk fat, the standard provided by act of Congress.

On May 3, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Lake County Farmers Cooperative Creamery Association, a corporation, Two Harbors, Minn., alleging shipment by said company, on or about June 9, 1931, in violation of the food and drugs act as amended, from the State of Minnesota into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as defined and required by the act

of March 4, 1923.

On May 4, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HENRY A. WALLACE, Secretary of Agriculture.

19835. Adulteration of butter. U. S. v. Yale Cooperative Creamery. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 27501. I. S. No. 36341.)

This action was based on the interstate shipment of butter, samples of which were found to be deficient in milk fat, since they contained less than 80 per cent of milk fat, the standard provided by act of Congress.

On March 8, 1932, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Yale Cooperative Creamery, a corporation, Yale, Okla., alleging shipment by said company, on or about June 24, 1931, in violation of the food and drugs act as amended, from the State of Oklahoma into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a substance deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as defined and required

by the act of March 4, 1923.

On May 26, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

HENRY A. WALLACE, Secretary of Agriculture.

19836. Misbranding of butter. U. S. v. Twin City Creamery Co. (Inc.).
Plea of guilty. Fine, \$50. (F. & D. No. 26699. I. S. No. 12537.)

This action was based on the interstate shipment of a quantity of butter, sample cartons of which were found to contain less than 1 pound, the declared

On November 23, 1931, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Twin City Creamery Co. (Inc.), a corporation, Kennewick, Wash., alleging shipment by said company in violation of the food and drugs act as amended, on or about May 25, 1931. from the State of Washington into the State of Oregon, of a quantity of butter that was misbranded. The article was labeled in part: "One Pound Net Weight Manufactured by Twin City Creamery Co., Kennewick, Washington."

It was alleged in the information that the article was misbranded in that the statement "One Pound Net Weight," borne on the packages, was false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents on the

outside of the package, since the statement made was incorrect.

On May 4, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, Secretary of Agriculture.

19837. Adulteration and misbranding of butter. U. S. v. 10 Boxes, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 28019, 28254. I. S. Nos. 37639, 42354. S. Nos. 6045, 6074.)

These actions involved two interstate shipments of butter. Samples taken from one of the shipments were found to contain less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress. In the other shipment sample packages were found to contain less than 1 pound, the declared weight. In both lots the quantity of the contents was not declared in manner required by the law, the statement of weight being incorrect in one instance and

entirely absent in the other.

On April 1 and April 2, 1932, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 23 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned on or about March 23, 1932, alleging that the article had been shipped in interstate commerce by the Boone Dairy (Inc.), from Boone, Iowa, to Baltimore, Md., and charging adulteration and misbranding of a portion and misbranding of the remainder, in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Wrapper) "1 Lb. Net Weight;" (shipping package) "From Boone Dairy, Inc. * * * Boone, Iowa. Solid Pounds." The remainder of the article was labeled in part: (Wrapper) "Creamery Butter;" (shipping package) "From Boone Dairy, Inc. * * * Boone, Iowa."

Adulteration was alleged with respect to a portion of the article for the reason that a substance deficient in butterfat had been substituted wholly or in part for the article, and had been mixed and packed therewith so as to reduce,

lower, or injuriously affect its quality or strength.

Misbranding of the said portion was alleged for the reason that the statement "Butter," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the said portion was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the remainder of the article for the reason that the statement "1 Lb. Net Weight," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to both lots for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect in one instance and absent in the other.

On April 7, 1932, the Mayfield Butter Co., and the Maryland Butter Co., both of Baltimore, Md., having appeared as claimants for respective portions of the article, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon the payment of costs and the execution of good & sufficient bonds, conditioned in part that it should not be sold or disposed of contrary to the provisions of the

Federal food and drugs act, and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19838. Adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$200. (F. & D. No. 27432. I. S. Nos. 15175, 35051.)

This action was based on the interstate shipment of two lots of butter. Sample cartons from one lot were found to contain less than the declared weight; samples taken from the other lot were found to be deficient in milk fat, since they contained less than 80 per cent of milk fat, the standard provided by

act of Congress.

On December 8, 1931, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, trading at Oklahoma City, Okla., alleging shipment by said company, in part on or about May 30, 1931, and in part on or about June 6, 1931, in violation of the food and drugs act as amended, from the State of Oklahoma into the State of Louisiana, of quantities of butter a portion of which was adulterated and misbranded and the remainder of which was misbranded. One lot was labeled in part: (Tubs) "Brookfield Creamery Butter Swift & Company;" and the other lot was labeled in part, (cartons) "Swift's Premium Quality Brookfield * * * Butter 1 Lb. Net Weight."

Adulteration was alleged in the information with respect to the lot shipped May 30, 1931, for the reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as defined and required

by the act of March 4, 1923.

Misbranding of the said lot was alleged for the reason that the statement "Butter" borne on the label, was false and misleading, and for the further reason that it was labeled butter so as to deceive and mislead the purchaser, since the said statement represented that the article contained not less than 80 per cent of milk fat as required by law, whereas it contained less than 80 per cent by weight of milk fat. Misbranding of the portion of the article shipped June 6, 1931, was alleged for the reason that the statement, "1 Lb. Net Weight," borne on the packages containing the article, was false and misleading; for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than 1 pound, the declared weight.

On May 6, 1932, a plea of guilty to the information was entered on behalf of

the defendant company, and the court imposed a fine of \$200.

HENRY A. WALLACE, Secretary of Agriculture.

19839. Adulteration of canned frozen mixed eggs. U. S. v. Swift & Co. Plea of guilty. Fine, \$50. (F. & D. No. 27429. I. S. No. 24478.)

This action was based on the interstate shipment of a quantity of canned frozen mixed eggs, samples of which were found to be musty and sour.

On December 16, 1931, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, trading at Nashville, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about February 27, 1931, from the State of Tennessee into the State of Illinois of a quantity of canned frozen mixed eggs that were adulterated. The article was labeled in part: "Reg. Mixed Frozen Eggs."

It was alleged in the information that the article was adulterated in that

it consisted in part of a decomposed animal substance.

On May 16, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, Secretary of Agriculture.

19840. Adulteration and misbranding of canned cherries. U. S. v. 223
Cases, et al., of Canned Cherries. Decree of condemnation and
forfeiture. Product released under bond for relabeling. (F. &
D. Nos. 28215, 28216, 28217 28218, 28219. I. S. No. 37644. S. No. 6081.)

These actions involved the interstate shipment of a quantity of canned cher-

ries, samples of which were found to contain excessive pits.

On April 21, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 723 cases of canned cherries, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about March 26, 1932, by the Webster Canning & Preserving Co., Webster, N. Y., to Baltimore, Md., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases and cans) "Pitted Red Cherries Packed for A. J. Harris & Co., Baltimore, Md."

It was alleged in the libels that the article was adulterated in that cherries

containing excessive pits had been substituted for the article.

Misbranding was alleged for the reason that the statement "Pitted Red Cherries" was false and misleading and deceived and misled the purchaser.

On May 19, 1932, the Webster Canning & Preserving Co., Webster, N. Y., having appeared as claimant for the property, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled, upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19841. Adulteration of butter. U. S. v. 41 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (10362-A. F. & D. No. 28293.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat,

the standard provided by Congress.

On April 26, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 41 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Creamery Co. of Ryan, Iowa, through the Linn County Farmers Mutual Creamery Association of Coggon, Iowa, on or about April 14, 1932, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight

of milk fat as provided by law.

The Great Atlantic & Pacific Tea Co., New York, N. Y., interposed a claim for the product as agent for the Farmers Creamery Co., Ryan, Iowa, and admitted the allegations in the libel, consented to the entry of a decree, and agreed

that the product be reconditioned to contain at least 80 per cent by weight of milk fat. On May 6, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

HENRY A. WALLACE, Secretary of Agriculture.

19842. Adulteration of pecans. U. S. v. 94 Bags of Pecans. cree of condemnation and forfeiture. Product rebond. (F. & D. No. 28006. I. S. No. 52175. S. No. 6070.) Consent dereleased under

This action involved the interstate shipment of a quantity of pecans, samples

of which were wormy, decomposed, moldy, and rancid.
On or about April 18, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 94 bags of pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 25, 1932, by H. L. Cromartie from Albany, Ga., to Chicago, Ill., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted

in part of a filthy, decomposed, and putrid vegetable substance.

On May 12, 1932, F. W. Woolworth Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and all other laws. The decree further provided that the product be reselected under the supervision of this department in order to separate the bad portion from the good portion. In the process of separation the unfit portion was destroyed by burning.

HENRY A. WALLACE, Secretary of Agriculture.

19843. Adulteration of cherries. U. S. v. Webster Smith. Plea of guilty. Fine, \$25. (F. & D. No. 28041. I. S. No. 34432.)

Arsenic was found on samples of cherries taken from the interstate shipment

on which this action was based.

On May 12, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Webster Smith, Germantown, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 16, 1931, from the State of New York into the State of Massachusetts, of a quantity of cherries that were adulterated.

It was alleged in the information that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered it injurious to health.

On May 31, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HENRY A. WALLACE, Secretary of Agriculture.

19844. Adulteration of apple chops. U. S. v. 309 Bags of Apple Chops. Decree of condemnation and forfeiture, with provision for release of product under bond. Amended decree ordering product destroyed. (F. & D. No. 27947. I. S. No. 47023. S. No. 5995.)

This action involved the interstate shipment of a quantity of apple chops,

samples of which were found to be decomposed and filthy.

On March 25, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 309 bags of apple chops, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about May 24, 1931, by the Gilbert Apple Products Co., from Brockport, N. Y., to Minneapolis, Minn., and charging adulteration in right-in a fit he feed and dwarf act. in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted

in part of a filthy and decomposed vegetable substance.

On May 18, 1932, respondent having filed a claim and answer admitting the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws. On December 28, 1932, the claimant having waived all rights to recondition the product, the court ordered that it be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19845. Misbranding of salad oil. U. S. v. 11 Cans, et al., of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28223. I. S. Nos. 38660, 38661. S. No. 6054.)

This action involved the interstate shipment of two lots of salad oil which consisted principally, if not entirely, of domestic cottonseed oil. The article was labeled so as to convey the impression that it was a foreign product, and

sample cans taken from one lot were found to be short volume.

On April 20, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cans of salad oil, remaining in the original unbroken packages at Newark, N. J.,, alleging that the article had been shipped in interstate commerce on or about February 27, 1932, by the Korbro Oil Co. (Inc.), from Brooklyn, N. Y., to Newark, N. J., and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Contents One Gallon Olio Sicilia Brand." The remainder of the said article

was labeled in part: "Lucca Brand Extra Fine Quality Salad Oil."

Misbranding of the Sicilia brand oil was alleged for the reason that the statements on the label, "Contents 1 gallon" and "Olio Sicilia," were false and misleading and deceived and misled the purchaser; for the further reason that the article purported to be a foreign product when not so; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct. Misbranding of the Lucca brand oil was alleged for the reason that the statement "Lucca Brand" and the design of sprays of olive branches appearing on the label of the product, were false and misleading and deceived and misled the purchaser, and for the further reason that the article purported to be a foreign product when not so.

On May 25, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court

that the product be destroyed by the United States marshal.

Henry A. Wallace, Secretary of Agriculture.

19846. Misbranding of potatoes. U. S. v. 360 Bags of Potatoes. Product ordered released under bond to be relabeled. (F. & D. No. 27994, I. S. No. 32677. S. No. 6046.)

This action involved the interstate shipment of a quantity of potatoes which

were below the grade declared on the label.

On April 9, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 360 bags of potatoes at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 1, 1932, by the Utah Fruit & Vegetable Growers (Inc.), Salt Lake City, Utah, to Kansas City Mo., and charging misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Selected U. S. Number One Potatoes. Utah Fruit and Vegetable Growers Inc., Salt Lake City, Utah." The remainder was labeled in part: "Selected U. S. Number One Big M Brand Potatoes. E. O. Muir and Company, Salt Lake City, Utah."

It was alleged in the libel that the article was misbranded in that the statement on the label, "U. S. Number One," was false and misleading and deceived

and misled the purchaser.

On April 14, 1932, the Utah Fruit & Vegetable Growers (Inc.), Salt Lake City, Utah, having appeared as claimant for the property, a decree was entered ordering that the product be released to the said claimant to be sorted, re-sacked,

and re-marked under the supervision of this department so as to conform in all respects to Government regulations; that claimant pay all costs of the proceedings, and that the inedible portion be destroyed, or disposed of in accordance with the law.

HENRY A. WALLACE, Secretary of Agriculture.

19847. Adulteration and misbranding of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (11362-A. F. & D. No. 28468.)

This case involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the stand-

ard for butter provided by Congress.

On June 28, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 37 tubs of butter, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about June 20, 1932, by the Hopkinton Creamery Co., from Hopkinton, Iowa, to Brooklyn, N. Y., and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for

butter.

Misbranding was alleged for the reason that the article had been offered for sale under the distinctive name of butter, whereas it was not butter, since it contained less than 80 per cent of butterfat, the standard provided by law.

The Great Atlantic & Pacific Tea Co., interposed a claim for the product, as agent for the Hopkinton Creamery Co., Hopkinton, Iowa, admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On July 6, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned that it be reworked so that it comply with the law.

HENRY A. WALLACE, Secretary of Agriculture.

19848. Adulteration of apples. U. S. v. 756 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond. (10015-A. F. & D. No. 28297.)

Arsenic and lead were found on samples of apples taken from the interstate

shipment involved in this action.

On May 9, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of apples, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 25, 1932, by the Wells & Wade Fruit Co. from Wenatchee, Wash., to Baltimore, Md., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wells & Wade Fruit Co. Twin WW Brand, Wenatchee, Washington, Fancy Winesaps."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which

might have rendered it harmful to health.

On May 16, 1932, the Wells & Wade Fruit Co., Wenatchee, Wash., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for sorting or reconditioning, upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or disposed of contrary to the food and drugs act and all other laws. The bond further provided that any portion of the product found adulterated after sorting and reconditioning be destroyed.

HENRY A. WALLACE, Secretary of Agriculture.

19849. Adulteration of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (10351-A. F. & D. No. 28287.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On April 20, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on April 7, 1932, by the Briggs Dairy Products Co., from Blackwell, Okla., to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of

milk fat as provided by the act of March 4, 1923.

Frederick F. Lowenfels & Son, New York, N. Y., interposed a claim for the product as agent for the Briggs Dairy Products Co., of Blackwell, Okla., and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain not less than 80 per cent of butterfat. On May 2, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked so that it comply with the provisions of the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

HENRY A. WALLACE, Secretary of Agriculture.

19850. Adulteration of canned frozen mixed eggs. U. S. v. 101 Cans and 94 Cans of Frozen Mixed Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28227. I. S. Nos. 48128, 48129. S. No. 6106.)

This action involved the interstate shipment of a quantity of canned frozen mixed eggs, samples of which were found to be decomposed. The cans containing the article bore no statement showing the quantity of the contents.

On April 22, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 195 cans of frozen mixed eggs, remaining in the original and unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce, in part on or about December 1, 1931, and, in part on or about December 9, 1931, by the Belle Springs Creamery Co., from Abilene, Kans., to Boston, Mass., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked

on the outside of the package.

On May 17, 1932, the Apollo Cake Specialties (Inc.), Charlestown, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the deposit of \$500 in lieu of bond, conditioned that the cans containing the adulterated eggs be separated from the remainder and destroyed, and that the cans containing unadulterated eggs be plainly and conspicuously marked with the quantity of the contents, and released.

HENRY A. WALLACE, Secretary of Agriculture.

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United States Department of Agriculture artment of Agricultu

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

19851-19900

[Approved by the Secretary of Agriculture, Washington, D. C., April 14, 1933]

19851. Adulteration and misbranding of fluidextract of ergot. U. S. v. 5 Bottles of F. E. Ergot, et al. Default decree of condemnation and destruction. (F. & D. No. 26194. I. S. Nos. 28709, 16210. S. No. 4475.)

This action involved the interstate shipment of two lots of fluidextract of ergot. One lot of the article, which was represented as meeting the requirements of the United States Pharmacopoeia, was found upon examination to have a potency of one-half of that required by the pharmacopoeia. The remaining lot had a potency of about two-thirds of that required by the said pharmacopoeia.

On April 8, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid holding a District Court, a libel praying seizure and condemnation of certain drugs remaining unsold at Washington, D. C. It was alleged in the libel that seven bottles of a product, invoiced as "F. E. Ergot U.S.P.X., and one gallon bottle of an article, labeled "Fluidextract Ergot," had been shipped by Sharp & Dohme (Inc.), into the District of Columbia, the former on or about January 12, 1931, from Baltimore, Md., and the latter on or about March 14, 1931, from Philadelphia, Pa., and that the article was adulterated and misbranded in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopoeia, to wit, "F. E. Ergot U.S.P.X." or "Fluid Extract Ergot" (fluidextract of ergot), and different from the standard of strength as determined by the tests laid down in the said pharmacopoeia, since the former was only one-half the potency required by the said pharmacopoeia for fluidextract of ergot and the latter was

only two-thirds the potency required by said pharmacopoeia.

Misbranding was alleged for the further reason that the article was offered for sale under the name of another article. Misbranding of the portion of the article shipped March 14, 1931, was alleged for the further reason that the statement in the labeling, "Fluidextract Ergot U. S. P. X. * * * Biologically Standardized," was false and misleading when applied to an article having a potency of only two-thirds that required by the United States Pharmaconogia for fluidextract of ergot.

copoeia for fluidextract of ergot.

On September 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the

product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19852. Adulteration and misbranding of fluidextract of ergot. U. S. v. 5 Bottles of "F. E. Ergot," et al. Default decree of condemnation and destruction. (F. & D. No. 26194. I. S. Nos. 16209, 28708. S. No. 4475.)

This action involved the interstate shipment of a quantity of fluidextract of ergot. Examination of the article showed that it had a potency of approximately one-half of that required by the United States Pharmacopoeia for fluidextract of ergot.

On April 8, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of certain drugs remaining unsold at Washington, D. C. It was alleged in the libel that five bottles of a drug, invoiced as "F. E. Ergot," had been shipped on or about February 4, 1931, from Philadelphia, Pa., by E. R. Squibb & Sons, into the District of Columbia, and that the article was adulterated and misbranded in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopoeia, to wit, "F. E. Ergot [fluidextract of ergot]," and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, in that it had only one-half the potency required by said pharmacopoeia for fluidextract

of ergot.

Misbranding was alleged for the reason that the article was an imitation of

and was offered for sale under the name of another article.

On September 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19853. Misbranding of La Mercey mineral water. U. S. v. 276 Bottles, et al., of La Mercey Mineral Water. Default decrees of condemnation, forfeiture, and destruction. (1578-A, 1579-A. F. & D. Nos. 28723, 28724.)

Examination of a drug product, known as La Mercey mineral water, disclosed that the article contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label

and in a circular shipped with the article.

On or about August 26, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 348 bottles of the said La Mercey mineral water, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the La Mercey Sales Corporation (Ltd.) in part from Dos Palos, Calif., on or about March 16, 1931, and in part from San Francisco, Calif., on or about May 28, 1931, by the La Mercey Co. (Inc.) and had been transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analysis by this department of a sample of the article showed that it contained 0.24 per cent of dissolved mineral matter, chiefly sodium chloride.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Directions Four bottles La Mercey should be taken monthly. One bottle (four glasses) daily for four days before expected period. Repeat monthly for four consecutive months. La Mercey may be required for a longer period. The use of La Mercey for the full four months is recommended, although beneficial results may follow the first month's use. Should period commence earlier than expected, continue the use of La Mercey until the entire four bottle treatment has been taken. Periods may normally be somewhat delayed. In such case continue the use of La Mercey only until the four bottle treatment has been taken. * * * Four bottles are absolutely necessary each period for best results;" (blue circular) "* * * patients suffering from menstrual and menopause distress. * * * will cure dysmenorrhea usually in four months. Obstinate cases may require that the treatment be continued for six or seven months. Where women inquire for drugs known to be useful in the temporary relief of dysmenorrhea suggest to them that they switch to La Mercey Water as it is the only product known to science that will correct menstrual difficulties which cause pain. La Mercey Sales Corp. stands behind La Mercey Water and guarantees results provided the water is administered as directed.

On October 4, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19854. Misbranding of Salie's canker remedy. U. S. v. 22 Large Packages, et al., of Salie's Canker Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27965. I. S. Nos. 48111, 48112. S. No. 5991.)

Examination of the drug product Salie's canker remedy, involved in this action, showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for

it on the bottle label.

On March 31, 1932, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 large packages and 70 small packages of the said Salie's canker remedy, remaining in the original unbroken packages at Portland, Me., alleging that the article had been shipped in interstate commerce on March 2, 1932, by E. R. Littlefield, from Rochester, N. H., to Portland, Me., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of extracts from plant drugs including tannin, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle labels, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Large size) "Canker Remedy * * * Canker, Common Sore Throat, Diphtheria and Diarrhoea. * * * an extremely valuable remedy for the relief of the above named ailments. Directions: for Canker of the Mouth and Sore Throat. * * * For Canker of the Stomach and Diarrhoea, take a teaspoonful of Salie's Canker Remedy three times a day. For Diphtheria, use Salie's Canker Remedy as a gargle every half hour until the coating is removed, then every 2 or 3 hours;" (small size) "Canker Remedy * * * Canker, Common Sore Throat and Diarrhoea * * * an extremely valuable remedy for the relief of the above named ailments. Directions: For Canker of the Mouth, * * * For Sore Throat, * * * For Canker of the Stomach and Diarrhoea."

On July 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19855. Misbranding of Ectonal dental poultices. U. S. v. 107 Packages of Ectonal Dental Poultices. Default decree of condemnation, for feiture, and destruction. (No. 20377-A. F. & D. No. 29016.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of pro-

ducing certain curative and therapeutic effects claimed in the labeling.

On October 8, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 107 packages of Ectonal dental poultices, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, in various consignments, on or about September 24, 1931, April 29 and May 3, 1932, by the Claymor Co., from Brooklyn, N. Y., to Philadelphia, Pa., and charging misbranding in violation of the food and drugs act as amended.

Analysis by this department of a sample of the article showed that it consisted of small gauze bags, each containing approximately 0.1 gram of a mixture of broken and powdered substances including red pepper, hops, bella-

donna leaves, and acacia.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, were false and fraudulent: (Carton) "Aids in relieving discomfort of toothache, simple abscess, Inflammation * * * congestion * * * of teeth and gums. * * * Place an Ectonal Dental Poultice * * * until pain is relieved. * * * Ectonal Dental Poultice will relieve a toothache due to any cause with the exception of a cavity;" (circular) "Relieves toothache and pain of the gums, due to * * * abscess, congestion, inflammation * * * Place an Ectonal Dental Poultice * * * until pain is relieved. Ectonal Dental Poultice will relieve a toothache due to any cause with the exception of

a cavity. * * * will give relief in a few hours to abscessed or other abnormal conditions of the teeth and gums. * * * after pain has subsided."

On October 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered by the court, and it was ordered

that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19856. Misbranding of M-A-C stomach tonic. U. S. v. 912 Bottles, et al., of M-A-C Stomach Tonic. Default decree of condemnation, forfeiture, and destruction. (No. 1421-A. F. & D. Nos. 28278, 28329. I. S. No. 23107. S. No. 6143.)

Examination of the drug product M-A-C stomach tonic, involved in these actions, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle and carton labels and in a circular shipped with the article.

On May 6 and May 21, 1932, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,692 bottles of the said M-A-C stomach tonic, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce in various consignments on or about April 1, 1932, April 4, 1932, and April 5, 1932, by Smith Bros., in part from Berkeley, Calif., and in part from Oakland, Calif., to Portland, Oreg., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of bismuth subnitrate, calcium carbonate, and magnesium carbonate suspended in a mixture of glycerin and water, flavored with peppermint oil.

It was alleged in the libels that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Bottle) "Stomach Tonic assists in the treatment of Dyspepsia, * * * Indigestion, * * * Nervous Dyspepsia, Fermentation and mal-assimilation of food and other digestive disorders;" (carton) "Stomach Tonic for Dyspepsia, * * * Indigestion, * * * and other Digestive Disorders * * * The Real Health 'Tonic;'" (circular) "For the Relief of Stomach Distress * * * Stomach Tonic A * * * most effective treatment for Indigestion, * * * Nervous Dyspepsia, * * * Lack of Appetite, * * * Dizziness, Nausea, Bloating and all ailments resulting from digestive weakness. * * * Poor Digestion the Cause of Many Ills. When the stomach becomes weak and can no longer digest the food Many Ills When the stomach becomes weak and can no longer digest the food properly, the entire system usually suffers as a consequence. Any number of disagreeable symptoms may arise, some of which appear to have no relation whatever to the stomach. A peculiar uneasiness at the pit of the stomach, nausea, vomiting, bad taste in the mouth and a coated tongue are a few of the most common symptoms. In many cases the food sours on the stomach, causing excessive belching and bitter risings. The sufferer feels nervous, gloomy or depressed. Gas forms in the stomach and bowels, often accompanied by sharp pains, palpitation or fluttering of the heart. Many persons troubled in this way believe themselves afflicted with heart disease. Perhaps there is a heaviness or sense of over-fullness after meals, with difficult breathing, or a stuffy feeling about the chest. Nightmare and sleeplessness also are frequent indications of digestive weakness. The stomach being in active sympathy with the liver, kidneys, heart and other vital organs, any serious digestive disturbance is likely to impair the normal functions of these organs. Thus it is not unusual to find stomach sufferers complaining of kidney, liver, or bowel disorders, constipation, appendicitis, high blood pressure, dull pain in the back or side, headaches, dizziness, bilious attacks, anaemia, nervous exhaustion, or a general rundown state of health. Heartburn an Important Danger Signal Heartburn, so called on account of the peculiar burning sensation it produces in the chest region, is always a sign of trouble. It is generally due to the fermentation of food, but in some cases it is a warning of appendicitis. Fermented food in the stomach and bowels is a prevalent source of infection and inflammation. The system becomes burdened with poisonous waste, and all kinds of trouble may result. Owing to its character and location, the appendix is especially subject to inflammation, hence appendicitis may develop from the presence of foul, irritating matter in the intestines. Take M. A. C. and Eat What You Like. A person in sound health is not aware that he has a stomach. Only when this

organ is abused in some way does it make its presence known. Overwork, worry, irregular meals, improper food, rapid eating, nervous disorders and alcohol excesses are some of the contributing causes of dyspepsia or stomach weakness. No matter what the origin of your digestive trouble may be, Smith Bros.' M. A. C. taken after each meal should give prompt relief from all distress. This remarkable preparation not only has an invigorating, tonic effect upon the weakneed nerves and glands of the stomach, but it also acts as a gentle laxative, helping to cleanse the system of accumulated poisons. When you get rid of the digestive weakness, other ailments resulting from this condition will soon disappear. In mild cases one bottle of M. A. C. often proves sufficient to do the work. If the trouble is of long standing, however, several bottles may be required. Remember that an obstinate stomach complaint is not born over night, but usually takes a long time to develop. You cannot expect to undo within a few days the damage resulting from years of neglect or abuse.

* * it has been giving wonderful results in the various conditions for which it is recommended. * * * The Real Health Builder."

On September 20, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the

court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19857. Misbranding of Hudson's Iron and Nux liver and blood tonic. U. S. v. 19 Bottles of Hudson's Iron and Nux Liver & Blood Tonic. Default decree of condemnation and destruction. (F. & D. No. 23430. I. S. No. 04123. S. No. 1568.)

Examination of the drug product, Hudson's Iron and Nux liver and blood tonic involved in this action, showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and

therapeutic effects claimed for it on the bottle label.

On February 18, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 19 bottles of the said Hudson's Iron and Nux liver and blood tonic, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped on or about December 27, 1928, by the Hudson Medicine Co., from Hopewell, Va., and had been transported from the State of Virginia into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate, an iron compound, a chloride, a small

proportion of strychnine, alcohol (1.2 per cent), and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle label, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Front label) "Liver & Blood Tonic * * * Puts iron in the system * * * is indicated in any condition requiring a better performance of the Hepatic Functions in all minor Liver conditions from * * * Malaria, Chills, Fever, Jaundice, * * * Bad Blood, Boils, Pimples, Skin Eruptions, etc.;" (reverse label) "For Fevers, Chills, Malaria, * * * La Grippe, Influenza, * * * Sluggish Liver, Jaundice, etc., * * For Boils, Bad Blood, Loss of Appetite, and as a * * * Strength Builder, * * * In all cases regulate dose to produce desired results. * * * you will be greatly improved by the use of this Tonic."

On September 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the

product be destroyed by the United States marshal.

Henry A. Wallace, Secretary of Agriculture.

19858. Misbranding of Bock Toa rheumatic remedy. U. S. v. 4 Cases, et al., of Bock Toa Rheumatic Remedy. Default decrees of condemnation, forfeiture, and destruction. (2029-A, 2042-A. F. & D. Nos. 28310, 28331.)

Examination of the drug product involved in these actions disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label.

On May 12 and May 24, 1932, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the

District Court of the United States for the district aforesaid libels praying seizure and condemnation of 4 cases, 18 short quart bottles, and 40 pint bottles of Bock Toa rheumatic remedy, remaining in the original unbroken packages at Denver, Colo., consigned by Bock Toa Hong & Co., San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 24, 1932, from San Francisco, Calif., to Denver, Colo., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small portions of extracts of plant drugs, sugar, alcohol,

and water.

It was alleged in the libels that the article was misbranded in that the following statements, regarding the curative and therapeutic effects of the said article, appearing on the bottle label, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Rheumatic remedy * * * to be used for Lumbago, Rheumatism. and Pains."

Rheumatism, and Pains."
On July 7 and August 1, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States

marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19859. Misbranding of Ru-Ma-Co herbal tonic. U. S. v. 24 Cartons of Ru-Ma-Co Herbal Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27977. I. S. No. 32853. S. No. 5989.)

Examination of the drug product Ru-Ma-Co herbal tonic, involved in this action, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects

claimed for it on the carton label.

On April 1, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 cartons of Ru-Ma-Co, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by F. D. Werst, from Portland, Oreg., on or about March 6, 1932, and had been transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including licorice and a laxative

drug, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton label, regarding the curative and therapeutic effects of the said article, were false and fraudulent: "An aid in the restoration to normal action of the organs of circulation, assimilation and elimination. * * * a majority of the ordinary ailments of mankind are due to the impairment of the functions of the liver and gall bladder, impoverishment of the blood, or disturbed glandular activity. Ru-Ma-Co helps to restore and maintain a normal balance in these vital processes of the body."

On July 30, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court

that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19860. Misbranding of Painallay. U. S. v. 54 Bottles of Painallay. Default decree of destruction. (F. & D. No. 27688. I. S. No. 44469. S. No. 5751.)

Examination of the drug product Painallay, involved in this action, showed that the article would not produce certain curative and therapeutic effects

claimed for it on the bottle label.

On January 25, 1932, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 bottles of the said Painallay, remaining in the original unbroken packages at Little Rock, Ark., alleging that the article

had been shipped in interstate commerce on or about December 7, 1931, by the Painallay Co., from Kansas City, Mo., to Little Rock, Ark., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of cresol (1 per cent), small proportions of glycerin and saccharin, and

water (98 per cent).

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Painallay * * * For Mouth and Throat A Scientific * * * Anodyne Relieves Pain and Heals Beneficial in the treatment of * * * Pyorrhea Trench Mouth or Vincent's, Tonsilitis, etc. * * * Painallay a preparation beneficially efficient in the treatment of Mouth and Throat infections and as a general prophylactic. It * * * (healing) and relieves pain. As a Daily Mouth Wash and Gargle it promotes a healthy condition to the tissues by destroying bacteria. Directions For all mouth and throat infections * * * Painallay is exceedingly beneficial in the treatment of the following and other infections to give relief from pain * * * Pyorrhea and Inflamed Gums—Use full strength several times a day, slushing well between the teeth for 3 or 4 minutes. Dilute to a weaker solution as case improves. * * * Vincent's or Trench Mouth—Follow directions as for pyorrhea. * * * continue indefinitely even after case seems apparently cured. Extractions—After removal of teeth * * * keep out infection. * * * Sores—Saturate gauze or cotton and bandage on wound."

On July 6, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19861. Adulteration and misbranding of quinine sulphate capsules, cinchophen tablets, blaud and strychnin capsules, and Special Rx tablets. U. S. v. Llewellyn Laboratories (Inc.). Plea of guilty. Fine, \$200. (F. & D. No. 27499. I. S. Nos. 15621, 15625, 28072, 28074.)

This action was based on the interstate shipment of quantities of drug capsules and tablets, samples of which were found to contain smaller amounts of

certain of the essential drugs than declared on the labels.

On May 2, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Liewellyn Laboratories (Inc.), trading at Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, of quantities of drug capsules and tablets that were adulterated and misbranded. The information charged shipment by the defendant company from the State of Pennsylvania into the State of New Jersey, of a quantity of quinine sulphate capsules and a quantity of cinchophen tablets, sometime in the month of August, 1929, of a quantity of blaud and strychnia capsules on or about August 28, 1930, and of a quantity of Special Rx tablets, on or about December 1, 1930. The articles were labeled in part: "Capsules Quinine Sulphate 2 Grs. Liewellyn Laboratories, Inc.;" "Blaud & Strychnia * * * Strychnia Sulph. 1-60 Gr. * * * Acid Arsenous 1-50 gr. * * * capsule * * * Liewellyn Inc.;" "Tablets Special Rx Phenacetin 3½ Grs. * * * Liewellyn Laboratories, Inc."

Adulteration of the articles was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the quinine sulphate capsules was represented to contain 2 grains of quinine sulphate, whereas each of said capsules contained not more than 1.099 grains of quinine sulphate; each of the cinchophen tablets was represented to contain 5 grains of cinchophen, whereas each of said tablets contained not more than 3.365 grains of cinchophen; each of said blaud and strychnia capsules was represented to contain 1-60 grain of strychnine sulphate, and 1/50 grain of arsenous acid, whereas each of said capsules contained less strychnine sulphate and less arsenous acid than so represented, to wit, not more than 0.0124 grain of strychnine sulphate and 0.015 grain of arsenous acid; and each of said Special Rx tablets was represented to contain 3½ grains of phenacetin, whereas each of said tablets contained not

more than 2.703 grains of phenacetin.

Misbranding was alleged for the reason that the statements, "Capsules Quinine Sulphate 2 Grs.;" "Cincophen 5 grs.;" "Strychnine Sulph. 1-60 Gr. * * * Acid Arsenous 1-50 gr. * * * Capsule;" "Tablets * * * Phenacetin 3½ Grs.;" borne on the labels of the respective products, were false and misleading, since the said statements represented that each of the tablets or capsules contained the amount of the said drug declared on the label, whereas each of said tablets or capsules contained a less amount of the said drug than so declared.

On July 14, 1932, a plea of guilty to the information was entered on behalf of

the defendant company, and the court imposed a fine of \$200.

HENRY A. WALLACE, Secretary of Agriculture.

19862. Adulteration and misbranding of Kentucky Carlsbad mineral water. U. S. v. 35 Cases, et al., of Kentucky Carlsbad Mineral Water. Default decree of condemnation, forfeiture, and destruction. (5699-A, 5709-A. F. & D. Nos. 28409, 28442.)

This action involved two interstate shipments of mineral spring water, a part of which was described as "natural" water, and the remainder of which was described as "Fortified" water and labeled "Laxative" water. The latter consisted of mineral spring water to which large amounts of sodium sulphate had been added. The article was a food and a drug within the meaning of the law. Both kinds of water were labeled with unwarranted therapeutic and curative claims and both lots failed to declare the quantity of the contents as required by law. The labeling of the "Laxative" water as "Kentucky Carlsbad Mineral Water" was inapplicable to a product to which had been added large amounts of sodium sulphate and, furthermore, samples examined were found to contain approximately 300 times as much sodium sulphate as declared on the label. Samples of both lots were also found to contain a large number of bacteria of the coli-aerogenes group, indicating pollution with sewage.

On June 17, 1932, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, libels praying seizure and condemnation of 35 cases and 19 cases, respectively, of the said Kentucky Carlsbad mineral water, remaining in the original unbroken packages at Cincinnati, Ohio, which had been transported by the Kentucky Carlsbad Mineral Water Co., from Dry Ridge, Ky., to Cincinnati, Ohio. The libels charged that

the article was adulterated in violation of the food and drugs act.

On July 29, 1932, the United States attorney, at the request of this department, filed amended libels. The amended libels charged that the article had been shipped in interstate commerce on or about October 28, 1931, from Dry Ridge, Ky., to Cincinnati, Ohio, and that it was misbranded in violation of the food and drugs act as amended.

It was alleged in the original libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal and

vegetable substance.

Misbranding of the article was alleged in the amended libels for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, "Laxative" water) "Sluggish kidneys * * * rheumatism. Take from ½ to a full glass with a like amount of warm water at least one half hour before breakfast. Continue each morning according to needs;" (circular shipped with "Laxative" water) "Directions For Reducing. If you really want to reduce you can do so. You have proven that you have a great desire to become normal in weight because you have spent your hard earned money for this treatment. * * * There are three ways to reduce—strenuous exercise—starving and by elimination. * * * You can reduce with this treatment and at the same time eat the things you are accustomed to eating. * * * it is suggested that you cut down somewhat on the fat producing foods, * * * and other foods which you know are fattening. * * * Do not starve yourself; eat a balanced ration, but not an excess of fatting foods. After you have reached the desired weight. * * * at the first signs of gaining take a few days treatment. Your system will finally function until you will only need to watch your diet. Start this treatment by taking enough of the Laxative Water the first day to completely clean out your system.

* * You will feel better than you have for a long while. You will have a wonderful complexion and again feel that life is worth living;" (blotters

shipped with "Laxative" water) "How About Your Weight? Is it normal or are you under or overweight? In either case Ky. Carlsbad Mineral Waters can probably remedy your trouble. * * * will tone up your digestive system and eliminate your bodily poisons to the extent that you should take on weight immediately. * * * If you are overweight our Fortified Laxative Water—especially prepared for your case will surely give you the desired results. * * * 'The Carlsbad Way Is The Natural Way' * * * Dose for Reducing:—¼ of a glass of Carlsbad Laxative together with ½ of a glass of hydrant (hot) water 15 minutes before each meal;" (bottle label, "Natural" water) "Directions—Begin treatment one half to one hour before breakfast by mixing one-half tumbler of the natural water with one half tumbler of Fortified water. A bottle labeled 'Fortified' will be found in each case. Afterwards only use the Fortified as your condition requires. Drink as much of the Natural Water during the day as you can comfortably consume. Do not drink at or near mealtime. Read booklet. The Kentucky Carlsbad Mineral Water Co. Dry Ridge, Kentucky."

It was also alleged in the libels that the "laxative" water was further mis-

It was also alleged in the libels that the "laxative" water was further misbranded under the provisions of the law applicable to "food" for the reason that the following statements on the bottle label, "Kentucky Carlsbad Mineral Water Nature's own product, drawn and bottled at the well * * * sodium sulphate 19.174 grains per gallon," were false and misleading and deceived and misled the purchaser, since the amount of sodium sulphate contained in the said "Laxative" water was approximately 6,000 grains per gallon. Misbranding of the said "Laxative" water was alleged for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to both kinds of water for the further reason that it was food in package form and the quantity of the contents was not marked on

the outside of the package.

On September 10, 1932, no claimant having appeared for the property, decrees were entered finding the product to be adulterated and misbranded and unfit for consumption as a food or drug. Judgments of condemnation and forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19863. Adulteration and misbranding of aspirin compound tablets. U. S. v. 2,200 Aspirin Compound Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28450. I. S. No. 48818. S. 6324.)

This action involved the interstate shipment of a quantity of so-called aspirin compound tablets, the labels of which represented that each tablet contained 3½ grains of aspirin and one-half grain of caffeine. Samples examined were found to contain no aspirin and less than one-half grain of caffeine. The label of the article bore a declaration of the phenacetin contained in each tablet but failed

to state that phenacetin is a derivative of acetanilid.

On July 8, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2,200 aspirin compound tablets, remaining in the original unbroken packages at Montclair, N.J., alleging that the article had been shipped in interstate commerce on or about December 29, 1931, by the American Pharmaceutical Co. (Inc.), from New York, N.Y., to Montclair, N.J., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "1000 C.T. Aspirin Compound No. 1. Formula Aspirin 3½ gr. Caffeine ½ gr. Phenacetin 2½ gr. American Pharmaceutical Co., Inc. New York, N.Y."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard of quality under which it was sold, namely,

"Aspirin 3½ gr. Caffeine ½ gr."

Misbranding was alleged for the reason that the statement, "Aspirin 3½ gr. Caffeine ½ gr.," was false and misleading. Misbranding was alleged for the further reason that the label of the article failed to bear a statement that phenacetin is a derivative of acetanilid.

On August 2, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19864. Misbranding of Dr. Hale's household tea. U. S. v. Charles H. Kenyon (Kenyon & Thomas Co.). Plea of guilty. Fine, \$200. (F. & D. No. 27487. I. S. No. 22147.)

Examination of the drug product on which this action was based, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton label

and in a circular shipped with the article.

On May 23, 1932, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Charles H. Kenyon, trading as Kenyon & Thomas Co., Adams, N.Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about January 20 and March 25, 1931, from the State of New York into the State of California, of quantities of Dr. Hale's household tea that was misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of crude drugs, including senna leaves, buckthorn bark, galium,

and teucrium.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the curative and therapeutic effects of the said article, appearing on the carton and in an accompanying circular, falsely and fraudulently represented that it was effective, among other things, as a blood purifier and nerve tonic, and as a treatment, remedy, and cure for ailments of the blood; effective to stimulate the liver and kidneys to healthy action, to give tone to the stomach and digestive organs, and to insure perfect health; effective as a blood purifier and nerve tonic and as a certain and quick relief for biliousness, torpid liver, indigestion, dyspepsia in all forms, nervous debility, exhaustion, nervous prostration, kidney trouble, incontinence of urine, female weakness, scrofula, all troubles arising from an impure state of the blood, sluggish action of the liver and kidneys, and disarrangement of the nervous system; effective to so act upon the secretions of the system as to ensure complete restoration to perfect health; effective to give strength to the weak, tired and languid, to restore vitality and impart vigor, strength, energy, and nerve power to the entire system; effective when taken in connection with Dr. Hale's household ointment to restore health and strength to those suffering from female weakness; effective when taken in connection with Dr. Hale's household ointment as a quick relief for rheumatism, neuralgia, and all skin diseases; and effective to produce a clear complexion, whereas the said article contained no ingredients of medicinal agents effective for the said purposes.

On June 3, 1932, a plea of guilty to the information was entered on behalf of

the defendant, and the court imposed a fine of \$200.

HENRY A. WALLACE, Secretary of Agriculture.

19865. Misbranding of aspirin tablets. U. S. v. 10 Display Cards of 1 Dozen Bottles Each of Tru Tablets of Aspirin. Default decree of condemnation and destruction. (8735-A. F. & D. No. 28523.)

Examination of the aspirin tablets involved in this action disclosed that the article contained no ingredient capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels, and on a display card to

which the bottles were attached.

On July 26, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 display cards, each containing one dozen bottles of Tru tablets of aspirin, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about April 11, 1932, by Max Michaelson, from Clarksburg, W. Va., to Pittsburgh, Pa., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets

contained approximately 5 grains of acetylsalicylic acid each.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent: (Shipping carton and display card) "For * * * Coughs * * * For * * * La grippe;" (bottle) For * * * Acute Rheumatism * * Pains of Nervous Origin, Also for the Relief of Gout, Sciatica, Tonsilitis, Influenza."

On September 6, 1932, no claimant having appeared for the property, judgnent of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19866. Misbranding of Nash's rheumatism remedy and kidney invigorator.
U. S. v. 54 Packages of Nash's Rheumatism Remedy and Kidney
Invigorator. Default decree of destruction entered. (F. & D. No.
28234. I. S. No. 52344. S. No. 6084.)

Examination of the drug product involved in this action disclosed that it contained no ingredient or combination of ingredients capable of producing certain

curative and therapeutic effects claimed in the labeling.

On April 22, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 packages of the said Dr. Nash's rheumatism remedy and kidney invigorator at Detroit, Mich., alleging that the article had been shipped in interstate commerce in part on or about January 11, 1932, and in part on or about January 26, 1932, by S. Nash & Co., from Scarsdale, N. Y., to Detroit, Mich., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils (92 per cent) such as turpentine and cajuput

oils, resins, and a trace of an alkaloid.

It was alleged in the libel that the article was misbranded in that the statement on the carton label, "Is Guaranteed to * * * * comply with the requirements of all United States laws in its composition and manufacture," was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Rheumatism Remedy and Kidney Invigorator. A Specific for all forms of Rheumatism, Neuralgia, Lumbago, Kidney Disease, or any derangement of the Urinary Organs. * * * Directions.—Take in morning on rising and last thing at night. Hold on tongue and wash down with water.

* * till free from pain. Directions.—For Children * * * and so continue up and back till free from pain. To be taken twice a day;" (carton) "Rheumatism Remedy and Kidney Invigorator. A Specific for all forms of Rheumatism, Lumbago, Neuralgia and all Diseases of the Kidneys and Urinary Organs * * * Rheumatism Remedy * * * is a specific for, and a radical remedy for all forms of Rheumatism, Lumbago, Neuralgia of the Stomach, Bowels, or any part of the body. It is unequalled for the relief of Kidney Disease, Gravel, Catarrh of the Bladder, and for neutralizing and expelling all sediment or albumen from the urinary channels, and to eradicate impurities of the blood * * * Kidney Invigorator;" (shipping carton) "Rheumatism Remedy and Kidney Invigorator;" (circular) "For Rheumatism in all its forms and for Kidney Trouble * * * Rheumatism Remedy and Kidney Invigorator * * * Rheumatism Remedy and Kidney Invigorator * * * proving exceptionally effective in the cure of Rheumatism and Kidney trouble * * * its healing way * * * Compounded from curative herbs and containing absolutely no * * * or volatile oils, our remedy not only relieves pain but cures the disease. * * * The * * effective combination of vegetable oils * * * strikes at the Root of the disease. neutralizing the poisonous elements in the blood, * * * Being absolutely * * * free from drugs, it can safely be given to the smallest infant. We do not recommend Nash's Rheumatism Remedy and Kidney Invigorator for any disease other than thouse specified herein, the guest of which may be a secretion of poisonous cride on a government of the same of which may be a secretion of poisonous crides on a government of the same of th cause of which may be a secretion of poisonous acids, or a germ may sometimes be the cause, but Nash's Remedy has proved most effectual in overcoming these evils. In all cases of Rheumatism, Lumbago, Sciatica, Neuralgia, and in Kidney or Urinary troubles, Nash's Remedy has gained an unexcelled reputation for efficiency, curing in cases where hope of ever being cured had been abandoned. Physicians have recommended its use, sometimes as a last resort, and with the most gratifying results. It has also cured Neuritis in its worst form. A word about Kidney Trouble Unnoticed, the kidneys become clogged and unable to filter from the blood the acids which poison and often result fatally. A lame or weak back or pains in the small of the

back, sound warnings which should be heeded at once, if one would prevent severe suffering-perhaps serious illness. Nash's Rheumatism Remedy and Kidney Invigorator constitutes a Certain Preventive; it acts directly upon the kidneys, eliminating the clogging impurities, and it keeps the kidneys in condition to perform their natural functions. At Middle Age and after, the human system is more susceptible to kidney trouble, and to those who have reached that time of life we would recommend the occasional use of Nash's Remedy, a dose several times a week, as directed, in order to keep the system clear of the poisonous acids which secrete themselves and so impair health and shorten life if the kidneys are not doing their work properly. * * * Dose: Begin with 5 drops * * * * so continue up and back until free from * * In severe cases, if the patient be strong and the stomach will admit it, the dose may be increased to 40 or 50 drops, * * * To patients admit it, the dose may be increased to 40 or 50 drops, * * * * To patients whose stomachs are weak and unable to take the ordinary dose, a smaller number of drops should be given. * * * In all cases, after the pain is gone, our Specific should be taken 10 or 12 days longer, in order to thoroughly cleanse the system of all impurities. * * * Enlarged Joints may be prevented by taking Nash's Rheumatism Remedy as directed, or rubbing it well into the joints affected when enlargement appears, or both if the case is stubborn. * * * [Testimonials in circular] 'Please send me 2 bottles of Nash's Rheumatic Remedy. * * * it cured me of rheumatism.' * * * 'Please send me a bottle of your Rheumatism medicine * * * I want to try a bottle for kidney trouble.' * * * 'Please send one bottle of your Rheumatism Remedy, * * * I think your remedy is the best thing there is made for rheumatism.' * * * 'I had a bad attack of rheumatism; could get no re'ief until I tried your Remedy.' * * Serious Kidney Trouble Relieved relief until I tried your Remedy.' * * * Serious Kidney Trouble Relieved * * * 'I am sending for another bottle of your Rheumatism Remedy and Kidney Invigorator. I have had a very hard time with my kidneys and stomach for about a year before I got your Remedy, * * * I was in a very weakened condition as I was filling up with water and it was getting around my heart so fast. Three days after I commenced, the water began to come away, and showed that my kidneys were so filled that they could not filter. * * * I am getting it cleared up quite fast now and my wife says she never saw anyone get along any better or faster than I am. I have a good appetite, eat anything, and my digestive organs are doing their work better than in twenty years, although having passed the 76th milestone of life, and my wife, 70, is taking your very valuable Remedy and getting very good results.' * * *
'I am sending for six more bottles of your Kidney Remedy * * *' 'your Rheumatism cure, * * * The best on earth for all it claims to be.' * * *
'Your Rheumatic Remedy. In 1903, I was taken with rheumatism in the foot and could scarcely walk. * * * a friend advised me to try Nash's Rheumatic and Kidney Remedy * * * before I had taken a half bottle all pain was gone. * * * 'My mother has rheumatism and your Remedy is the only thing that ever helps her.' * * * 'I suffered for many years with rheumatism in my feet; I got so bad I could scarcely get around the house. * * * had almost given up in despair of ever being cured when I was induced to try Nash's Remedy * * * before I had taken all of three bottles I was cured * * * I am always glad to tell every one the story of my recovery from rheumatism through Nash's Rheumatic Remedy. * * * Trusting that this may help to induce many to try this wonderful cure.' * * * Suffered with Inflammatory Rheumatism for Three Years * * * 'I wish to advise you and the many sufferers from rheumatism, of the benefit I have received from it. I was taken with a severe attack of inflammatory rheumatism and suffered from it for three years when I was advised by friends * * * Many of those that I have advised to use it were cured.' * * * Saved A Little Boy's Life * * * 'I must tell you what your Remedy has done for our little boy. Before he was two years old he took rheumatism in his limbs. After nine months the doctors said they could do nothing more and if he lived he would be a cripple for life. * * * We were advised to try Nash's Rheumatism Remedy. We did, and are satisfied that our child has been entirely cured with your valuable medicine, for which we are sincerely grateful. We can thank Nash's Rheumatism Remedy for his health.'

* * * 'Nash's Rheumatic and Kidney Remedy the best medicine in the world for kidney and rheumatic troubles. We have an engineer * * * who was in very bad shape and for three years was off duty much of the time, and when he commenced to take the Remedy he could not lift his foot to step over a rail without help. He took five bottles and has not been laid up a day * * * Nash's Cured * * * 'I was troubled with pain in my shoulder and arm for several years, and suffered untold agony. I consulted different physicians. One called it Muscular Rheumatism and another said it was Neuralgia, but did not cure me. It is now about nine years since I took your medicine. I did not take it but a short time before I got relief.' * * *
'I meet a great many people every week and know of many of them suffering with that terrible disease, rheumatism, * * * I do want to help bring relief to the suffering, if I can. * * * Up to the year 1906, I had three very severe attacks of rheumatism, the last time, in spite of all the doctors could do for me, I lay in bed seven weeks, and four weeks of that time was not able to do as much as move my hand. So when I was stricken down with it again two years ago I prayed that I might die rather than suffer as I had done before. But my wife sent to the druggist for something to help me, and he sent a bottle of your Remedy, saying he had heard it was good. I began taking it and in just three days the pain all left me and in a short time I was out of bed, and I give all the credit to your valuable Remedy.' * * * 'Your wonderful Rheumatic Remedy has cured me of rheumatism again. I was so bad that I thought I'd have to go to bed again, but before I used one whole bottle I am well again * * * I had such a severe attack and your medicine did me lots of good. A friend had rheumatism in his limbs so bad * * * one bottle helped him so much.' * * * 'Two years ago, while suffering terribly with lumbago, I was advised to try Nash's Rheumatic Remedy, which I did, and at once found relief and was very soon cured. * * * since then had many opportunities of recommending it, sometimes in cases of long standing, but always with the same good results. * * * I have never found anything that cures as your Remedy does. I have found it equally as good in cases of kidney trouble and hereby recommend it most highly to anyone suffering from these diseases, as the best remedy that I have ever found for them.' * * * 'I suffered untold pain from rheumatism. I was perfectly helpless. For one year I never knew what a night's sleep was, and I was almost insane from pain. * * * After taking the third dose of your Remedy I found relief. * * * I have never suffered from those pains since.' * * * 'I was awful bad with inflammatory rheumatism; couldn't move in bed; had to be turned on sheets. * * * I took your medicine and it helped me in three doses. * * * It is a terrible disease, but I am entirely cured of it.' '* * * neuritis in its worst form; * * * We were advised to try your remedy and did, with good results. She couldn't do anything, had to be dressed and cared for like a child. Now, after taking your medicine twelve months, she is again able to do nearly all of her housework in * * * am enclosing * * * for 1 bottle for an old gentleman who is suffering with rheumatism.' * * * 'My wife was laid up three months with rheumatism and three bottles of your Rheumatism Remedy cured her completely.' * * * 'I have been recommended by a Boston physician to get your medicine, doctor tells me that you have some medicine that will cure me."

On June 9, 1932, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United

States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19867. Adulteration and misbranding of elixir iron, quinine, and strychnine. U. S. v. 480 Bottles of Elixir Iron, Quinine, and Strychnine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27988. I. S. No. 53116. S. No. 6021.)

This action involved the interstate shipment of a quantity of elixir iron, quinine, and strychnine, a product recognized by the National Formulary. Examination of samples showed that certain of the ingredients had separated and precipitated, as the result of which the product dispensed in the customary manner would not contain the proper dosage of the essential drugs.

On April 7, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 480 bottles of the said elixir iron, quinine, and

strychnine at Chicago, Ill., alleging that the article had been shipped in interstate commerce on January 26, 1932, by McKesson & Robbins (Inc.), from Bridgeport, Conn., to Chicago, Ill., and charging adulteration and misbranding

in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under or by a name recognized in the National Formulary, and differed from the standard of quality and purity as determined by the tests laid down in the said National Formulary, official at the time of investigation, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the designation on the label,

"One Gallon * * * Elixir Iron, Quinine and Strychnine (Elixir Ferri, Quininae et Strychninae) N. F.," was false and misleading.
On July 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19868. Misbranding of Gowan's preparation. U. S. v. 105 Packages of Gowan's Preparation. Default decree of condemnation and destruction. (F. & D. No. 23350. I. S. No. 04119. S. No. 1494.)

Examination of the drug product Gowan's preparation, involved in this action, showed that the article would not produce certain curative and therapeutic effects claimed for it on the jar label, carton, and in a circular

shipped with the article.

On January 28, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 105 packages of the said Gowan's preparation at Washington, D. C., alleging that the article had been shipped on or about January 16, 1929, by the Gowan Chemical Co. from Baltimore, Md., and had been transported from the State of Maryland into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an ointment with a base of fatty material, containing phenol, quinine sulphate, and volatile oils including menthol, camphor, and

turpentine oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Pneumonia, Pleurisy, Croup, * * * Coughs, Throat claimed: (Carton) "For Pneumonia, Pleurisy, Croup, * * * Coughs, Throat Troubles, * * * Rheumatism, Congestion and Inflammation. This Preparation can be used for Pneumonia, Pleurisy * * * Coughs, Sore Throat, Croup, Bronchitis, Tonsilitis, Grippe, Inflamed Glands, Rheumatism. * * * For Inflammations. Is absorbed. * * * Boils, Felons, Carbuncles * * * Bunions, Piles * * * Neuralgia, Toothache, Stiff Joints;" (jar label) "Rub over the affected parts until the skin refuses to absorb. * * * over the affected parts * * * as often as conditions require. * * * after recovery, until it can be removed with safety * * * To aid Pleurisy and Presuments, which is one chest, under the arms end head; with the skin refuses to Pneumonia, rub in on chest, under the arms and back, until the skin refuses to absorb. * * * and as long as conditions require. After recovery * * * For other troubles, apply Gowans over seat of pain;" (circular) "It penetrates at once. The healing mixture is carried straight to the congested or sore spots, reduces the inflammation and fever, establishes a circulation, and gives quick relief. While the quick absorption is working its miraculous healing, internally, the vapors due to the external application relieve the head and throat, and the patient is not kept awake coughing. * * * * Gowan's contains the best remedies known to medical science for inflammation and congestion. * * * It is really a Three-In-One Preparation, because it is equally effective for: Pneumonia, influenza * * * bronchitis, croup, etc. * * * boils, dry eczema. Neuralgia, rheumatism."
On September 19, 1932, no claimant having appeared for the property,

judgment of condemnation was entered and it was ordered by the court that

the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19869. Misbranding of Jo-Vex. U. S. v. 3 Dozen Bottles of Jo-Vex. Default decree of condemnation and destruction. (F. & D. No. 27997. I. S. No. 43327. S. No. 6033.)

Examination of the drug product Jo-Vex, involved in this action, showed that the article would not produce certain curative and therapeutic effects claimed for it on the carton and bottle labels and in an accompanying circular. The article also was represented to be more powerful as a germicide than carbolic

acid, whereas it was not.

On April 11, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen bottles of the said Jo-Vex, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about November 19, 1931, by the Jo-Vex Chemical Products Co., from St. Louis, Mo., to Pittsburgh, Pa., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium chloride, a compound containing available chlorine

(0.07 per cent), and water.

It was alleged in the libel that the article was misbranded in that the following statements, appearing on the carton and bottle label and in a circular, were false and misleading: (Carton and bottle label) "Several times more powerful than Carbolic Acid, Bichloride of Mercury or Dakin's Solution (normal);" (circular) "Over 4 times more powerful than pure Carbolic Acid as a Germicide Phenol Coefficient 4.4 (Hygienic Lab. Method) * * *." Misbranding was alleged for the further reason that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Jo-Vex embodies every principle and feature you would require of an agent par excellence for all local infections, very notably in stubborn and deep-seated pus conditions such as prevail in Pyorrhea. * * * Use a 1 to 10 solution daily as a preventive for sore throat, tonsilitis, pyorrhea and other diseases of the mouth. * * * For nasal catarrh * * * For * * * * Carbuncles, Felons, * * * Eczema, Itch, * * * Hives, Tetter * * * Pyorrhea Jo-Vex is a proven treatment for Pyorrhea, tender or bleeding gums, trench mouth and kindred conditions of the oral cavity;" (bottle label) "Pyorrhea Jo-Vex is a proven treatment for Pyorrhea, tender or bleeding gums, trench mouth and kindred conditions of the oral cavity. * * * For * * * Carbuncles, Felons, * * * Eczema, Itch, * * * Hives, Tetter, * * *. Use a 1 to 10 solution daily as a preventive for sore throat, tonsilitis, pyorrhea and other diseases of the mouth. * * * Jo-Vex guards the gates to the city * * * For nasal catarrh;" (circular) "A proven treatment for of health. Pyorrhea, tender or bleeding gums, trench mouth and kindred conditions of the oral cavity. * * * Where Jo-Vex enters, disease germs cannot live. Jo-Vex is used and recommended by leading Dentists and Specialists in the prevention and treatment of Pyorrhea, loose teeth, bleeding, spongy and sore gums, trench mouth, etc. * * * Pyorrhea Pyorrhea is probably predisposed by the foods of civilization. Soft and refined foods provide inadequate exercise to the gums. The muscles and tissues shrink and weaken when unused. Perhaps it is impractical to return to the hard, coarse and bulky foods of the pioneer forefathers. Offsetting measures, then, must be substituted to strengthen the gums. This may be accomplished by vigorously massaging the gums with the forefinger two or three minutes each day, combined with the daily use of Jo-Vex. This simple method will promote circulation, make the gums hard and firm and keep the mouth free of destructive germs. When the gum tissues are soft and unhealthy they are more susceptible to mechanical irritations set up by deposits of tartar, ill-fitting crowns, faulty alignment of teeth, rough edges of fillings, etc. The gums become inflamed and pus forms. The constant presence of pus in and about the necks of the teeth causes the tooth supporting structure to rot or decay. The teeth, being deprived of support, eventually fall out unless the pus and germs are eliminated in time. Meanwhile the pus from the infected areas passes into the stomach and is taken up by the blood, thereby poisoning the entire system and frequently causing stomach disorders, intestinal and kidney trouble, neuritis, rheumatism, sore and stiff joints, etc. Dental authorities estimate that over fifty percent of the adult populaion are afflicted with Pyorrhea in one stage or another, and that half of

them are unaware of their condition and the far-reaching damage frequently resulting. Unless halted, Pyorrhea ends in false teeth and broken health. Faithful adherence to the instructions herein given, which are simple and easy to follow, may be relied upon to prevent Pyorrhea or halt its ravages where already established. How To Use Jo-Vex In Pyorrhea For the prevention of pyorrhea and to keep the gums and mouth in pure and healthy condition, use Jo-Vex daily as a mouth wash, one teaspoonful to a glass 1/4 full of water. Or, put a few drops pure on the tooth brush and apply to the teeth and gums after the usual cleaning with tooth paste or powder. In established pyorrhea, where the teeth are loose or have begun to loosen or where the gums are sore, use pure Jo-Vex on the tooth brush twice daily, resaturating the brush several times and applying it thoroughly to the teeth and gums. A more effective way, which should be used in severe cases, is to hold pure Jo-Vex (or a very strong solution) in the mouth for about one minute twice daily. Do not swallow it. About four teaspoonfuls sufficiently fills the mouth. Roll the head slightly to bring the solution in contact with the various gum regions, giving special attention to any known areas of severe conditions. Immediately after treatment massage the gums with the forefinger for one or two minutes. The best time for treatment is immediately after cleaning the teeth with tooth paste or powder, which should be practiced two or three times per day, especially upon arising and retiring. Jo-Vex does not take the place of tooth paste or powder, which latter functions to keep the teeth clean. Conversely, no paste or powder can take the place of Jo-Vex. The taste of Jo-Vex is rarely objectionable when using it on the tooth brush or as a mouth wash in weak solution. However, when held in the mouth pure, or in strong solution, the taste may be objectionable at first but the mouth soon becomes accustomed to the sensation. In any event, the mouth feels pure and wholesome a few minutes after using. Perfume and flavoring merely camouflage the pollution. Jo-Vex does what it is intended to do: kill the germs, purify and promote healing. To establish and maintain a healthy condition, it is necessary to keep the teeth free of tartar deposits which cause irritation to the gums. Furthermore, it is frequently found that mechanical corrections are needed to relieve irritation from this source. It is therefore recommended that after using Jo-Vex faithfully for two or three weeks, a good dentist be visited for the removal of tartar deposits and any needed mechanical corrections. In severe cases of long standing, it is sometimes found that the supporting structure under a given tooth has been too far destroyed to furnish adequate support for holding it firm and tight. Such a tooth, which may be marked by its failure to respond to several weeks of faithful treatment, or by X-Ray photographs, should be extracted. The remaining areas may be returned to and maintained in a healthy and sound condition by following the instructions herein given. After the mouth has been returned to a healthy condition, through the use of Jo-Vex, its use should be continued as a daily habit, either on the tooth brush or as a mouth wash. Laboratory tests, combined with the experience of thousands of dentists and laymen, prove Jo-Vex to be the most effective and reliable agent known in the treatment of gum diseases, and that it is absolutely non-injurious to the healthy tissues of the mouth, the tooth structure or to the fillings, crowns, bridges, etc. Use Jo-Vex faithfully according to the direction given and you will be highly gratified with results. * * * Sore Throat, Tensilitis, * * * A 1 to 10 solution slushed in the mouth and gargled in the throat once or twice daily will arrest the germs in the beginning, * * * and promote the health of the teeth and gums. Where sore throat or tonsils already exists gargle a 1 to 5 solution every few hours. * * * For nasal catarrh, * * * Open Sores * * * Boils, Carbuncles, Felons, * * * Eczema, Itch, * * * Hives, Tetter, * * * For piles, rectal inflammation * * use 1 tablespoonful in a quart of tepid water. * * * 'My first case demonstrated beyond a doubt its (Jo-Vex) wonderful value as a Pyorrhea treatment, and I have not used it in a single case without getting more than satisfactory results.' * * * 'I believe it to be the best agent in the treatment of all gum diseases I have used in the past * * 'I use it for nasal catarrh, sort throat, ulcers in mouth thirty years.' and throat '."

On September 6, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19870. Misbranding of Glicolodina. U. S. v. 24 Bottles of Glicolodina. Default decree of condemnation, forfeiture, and destruction. (7833-A. F. & D. No. 28515.)

Examination of the drug product Glicoiodina, involved in this action, showed that the article would not produce certain curative and therapeutic effects

claimed for it on the bottle and carton labels.

On July 28, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 bottles of the said Glicoiodina at San Juan, P. R., alleging that the article was in possession of Juan R. de Torres, of San Juan, P. R., and was being offered for sale and sold in Puerto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of iodine, potassium iodide, menthol, eucalyptol, glycerin,

alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton label) "For all Diseases of the Mouth * * * Recommended for the Affections of the Mouth;" (bottle label) "For all Diseases of the Mouth."

On September 9, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the

court that the product be destroyed by the United States marshal.

HENRY A. WALLLACE, Secretary of Agriculture.

19871. Misbranding of Penetrating liniment. U. S. v. 28 Bottles of Penetrating Liniment. Default decree of condemnation and destruction. (F. & D. No. 27782. I. S. No. 42194. S. No. 5856.)

Examination of the drug product Penetrating liniment, involved in this action, disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle label. The article also was found to contain chloroform and alcohol, which were not

declared on the label as required by law.

On February 26, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 28 bottles of the said Penetrating liniment at Washington, D. C., alleging that the article was in the possession of White Purity Products, of Washington, D. C., and was being offered for sale and sold in the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of alcohol (46.7 per cent by volume), chloroform (5.6 minims per fluid ounce), methyl salicylate (1.6 grams per 100 milliliters), boric acid

(0.66 gram per 100 milliliters), distilled witch hazel extract, and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained therein, and a statement of the quantity or proportion of chloroform contained therein. Misbranding was alleged for the further reason that the following statements regarding its curative and therapeutic effects, appearing on the bottle label, "Recommended for Lumbago, Muscular Rheumatism, Pleurisy, Sciatica, * * * Stiff Neck, Etc.," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the

product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19872. Misbranding of Eucaline tonic compound. U. S. v. 37 Packages of Eucaline Tonic Compound. No appearance entered. Verdict for the Government. Judgment of condemnation and destruction. (F. & D. No. 28259. I. S. No. 53677. S. No. 6118,)

Examination of the drug product Eucaline tonic compound, involved in this action, disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 2, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 37 packages of the said Eucaline tonic compound, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped in interstate commerce, on or about August 21, 1931, by the Eucaline Medicine Co., from Dallas, Tex., to Shreveport, La., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a suspension of cinchona alkaloids (quinidine and cinchonidine, 2.35 grams per 100 milliliters equivalent to 7.48 grains per fluid ounce), acetanilid (2.7 grains per fluid ounce), peppermint oil, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the bottle and carton label and in an accompanying circular, were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Carton) "Free from Dangerous Medicine * * * Is a most excellent remedy in cases of LaGrippe * * * Acts mildly on the Liver and Bowels * * * Restorative * * * It is a great * * * Remedy for * * * La Grippe * * * Take every 3 hours to stop * * * La Grippe. * * * to strengthen the system. * * [Similar statements are made in foreign languages];" (bottle) "Take every 3 hours to stop * * * La Grippe * * * * to strengthen the system;" (circular) "A wonderful remedy for * * * what is termed Lagrippe in our Southern country."

On June 9, 1932, no appearance or claim having been entered and a jury having found the allegations of the libel to be true and correct, judgment of condemnation was entered and it was ordered by the court that the article be

destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19873. Misbranding of Fumoil. U. S. v. Standard Chemical Manufacturing Co. Plea of nolo contendere. Fine, \$5. (F. & D. No. 27493. I. S. No. 13153.)

This action was based on the interstate shipment of a quantity of a drug product known as Fumoil contained in cans, the label of which bore statements representing that the article possessed curative and therapeutic properties

which, in fact, it did not possess.

On March 25, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Standard Chemical Manufacturing Co., a corporation, Omaha, Nebr., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 17, 1930, from the State of Nebraska into the State of Arizona, of a quantity of Fumoil that was misbranded.

Analysis of a sample of the article by this department showed that it consisted of two parts: A carton containing calcium hypochlorite, and a small

vial containing an oily liquid consisting principally of turpentine oil.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the can label, falsely and fraudulently represented that the article would be effective as a treatment for flu and pneumonia in hogs, and as a treatment for roup, nose, and throat troubles in poultry; whereas it contained no ingredients or medicinal agents effective as a treatment for flu and pneumonia in hogs or for roup or nose and throat troubles in poultry.

On July 14, 1932, a plea of nolo contendere to the information was entered on

behalf of the defendant company, and the court imposed a fine of \$5.

HENRY A. WALLACE, Secretary of Agriculture.

19874. Misbranding of inhalers. U. S. v. 90 Inhalers. Consent decree of destruction. (F. & D. No. 25429. I. S. No. 15627. S. No. 3653.)

This action involved the interstate shipment of a number of so-called torpedo inhalers containing menthol. The labeling of the article represented that it possessed curative and therapeutic properties which, in fact, it did not possess.

On or about December 12, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 inhalers, remaining in the original unbroken packages at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce on or about October 28, 1930, by W. C. Belmonte, from New York, N. Y., to Atlantic City, N. J., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Torpedo."

Analysis of a sample of the article by this department showed that it consisted

of menthol crystals.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Card label) "An Effective Remedy for * * * Catarrh, Hay Fever, Neuralgia, Headache, Faceache, Etc. For Sore Throat."

On January 14, 1931, W. C. Belmonte, New York, N. Y., entered an appearance as claimant for the property. On October 18, 1932, the claimant having consented to the entry of a decree, judgment was entered ordering that the product

be destroyed.

HENRY A. WALLACE, Secretary of Agriculture.

19875. Misbranding of Regum tooth paste. U. S. v. 11 Dozen Packages of Regum Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27939. I. S. No. 23403. S. No. 5982.)

Examination of the product involved in this action disclosed that it contained no ingredient or combination of ingredients capable of producing certain cura-

tive and therapeutic effects claimed in the labeling.

On March 22, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 dozen packages of Regum tooth paste, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 24, 1932, by Morgan & Sampson, from San Francisco, Calif., to Portland, Oreg., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, glycerin, soap, a trace of zinc chloride,

and water flavored with aromatic oils.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent: (Carton) "Hardens the Gums;" (tube) "Stops Bleeding Gums. Prevents Pyorrhea;" (circular) "Into the irritated, torn bleeding gums germs lodge and multiply, and thus pyorrhea starts and will continue its course of tooth destruction unless the tartar deposits under the gums are removed. Regum will prevent this menace to dental health for it retards the formation of tartar. * * * Quickly Regum will heal and strengthen sore, tender, inflamed, bleeding gums. * Heals Bleeding

On July 6, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19876. Adulteration and misbranding of Pyros. U. S. v. 8 Dozen Packages, et al., of Pyros. Decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26409, 26489, 27628, 27644, 28820. I. S. Nos. 1056, 12500, 22424, 22425. S. Nos. 489, 3, 4783, 5658, 5659. Sample No.

Examination of the drug preparation involved in these cases disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for the product in representations appearing on the bottle and carton labels and in the circulars. The article also was represented, on all cartons and in the circulars accompanying certain of the shipments, as being an antiseptic, whereas examination showed that it was not an antiseptic when used as directed. On May 26, 1931, the United States attorney for the Eastern District of

Washington, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 8 dozen packages of Pyros at Spokane, Wash. On or about October 7, 1931, the libel was amended in accordance with a recommendation from this department. On June 11, 1931, the United States attorney for the District of Oregon filed a libel against 66 bottles of Pyros at Portland, Oreg.; on January 11, 1932, the United States attorney for the Eastern District of Washington filed 2 libels against 50 bottles and 13 dozen bottles, respectively, of Pyros at Spokane, Wash.; and on August 31, 1932, the United States attorney for the District of Iowa filed a libel against 7 cases of the same product at Sioux City, Iowa.

It was alleged in the libels that the article had been shipped in interstate commerce, in various shipments, on or about January 5, March 23, August 1, and November 2, 1931, and February 25, 1932; that the shipments had been made in interstate commerce by the Pyros Co., from Denver, Colo., to Spokane, Wash., Portland, Oreg., and Sioux City, Iowa, respectively; that it remained in the original unbroken packages, and that it was misbranded in violation of the food and drugs act, and that 4 of the 5 shipments also were adulterated.

Analysis of a sample of the article by this department showed that it consisted essentially of a dilute solution in water of sodium chloride and zinc sulphate. Bacteriological examination showed that the article was not anti-

septic.

Adulteration of the article was charged in the 3 libels filed in the Eastern District of Washington and 1 filed in the District of Oregon for the reason that it was sold under the following standard of strength, (carton in all 4 shipments) "Antiseptic," (circular accompanying 2 shipments) "Pyros is an ideal antiseptic," and fell below such professed standard in that it was not antiseptic.

Misbranding was alleged with respect to the said 4 shipments for the reason that the following statements appearing on the cartons of all the said 4 ship-ments of the article, "A Penetrative Antiseptic," and the following statement appearing in the circular shipped with 2 of the said shipments, (circular) "The Penetrative Antiseptic * * * Pyros is an ideal antiseptic mouth wash, for it has a definite, selective action on disease germs in the mouth.

* * The definite and selective germicidal action of Pyros stops the bacterial acid detrition in the first stages of tooth decay. * * * Pyros is a combination of simple ingredients resulting in a product of definite value as an * * * antiseptic, * * * Its penetrating and bactericidal action is then more pronounced * * * You can 'feel' its position and penetrating antiseptic properties," were false and misleading. Misbranding was alleged with respect to all 5 shipments for the reason that certain statements quoted below regarding the curative or therapeutic effects of the article, were false and fraudulent. Two different sets of labeling were found in the consignments; in the libels filed against the shipments of January 5, 1931, to Spokane, Wash. and March 23, 1931, to Portland, Oreg., the following statements were charged to be false and fraudulent: (Bottle label) "An aid in treatment of infectious mouth conditions, * * * and attendant tooth decay. Sore, tender, ulcerated gums, and general oral infections;" (carton) "A successful aid in the care of tender, bleeding, spongy or receding gums * * * for preventing decay of the teeth keeping the gums firm and healthy * * Give solution time to penetrate gums and affected parts. * * * A successful aid in the care of tender or placeated gums and teath and all mounts info ful aid in the care of tender or ulcerated gums and teeth and all mouth infections generally;" (circular) "Good Health Depends on Mouth Health The mouth is the one main entrance whereby disease germs gain entrance to the body. In the mouth disease germs multiply, infect the nasal passages or throat and, sooner or later, the entire system. Nature, (the perfect physician) installed in the mouth the simple machinery necessary for warding off of disease, viz: clean saliva, abundant blood supply and properly adjusted teeth. Therefore, it can be readily seen that a remedy which causes the mouth to properly function is the one that assists nature in warding off disease. The present day customs, diet and mental habits do not permit the mouth to function perfectly as in the days of savagery when the mouth received exercise from the eating of hard, coarse food, and tooth decay and gum disease were unknown. Pyros Makes Healthy Mouths * * * Pyros Penetrates. Pyros has a peculiar penetrating action, so that it even attacks deep, underlying, inflamed conditions. Pyros makes clean, healthy saliva, nature's mouth wash. * * * In diseased conditions of the mouth Pyros should be used as near full strength as possible. For Pyorrhea-Take one teaspoonful in

mouth and let it penetrate the affected parts * * * If the upper teeth or gums are affected, hold head downward or sideways. * * * For Trench Mouth (Vincent's Angina) or other acute inflammations of the mouth where pain is present * * * For Ulcerative Gums. * * * Tender Gums. * * * Bleeding Gums. * * * Spongy Gums. Where the gums are soft, flabby and bleed easily use one part Pyros to four of water * * * Turgid Gums. Where gums are conjested and swollen use Pyros the same as for spongy * * * * Tartar. When annoyed by excessive tartar on the teeth use Pyros full strength for a few days, brushing the teeth after each treatment. When most of the tartar is gone, go to a dentist and have the teeth thoroughly cleaned. * * * After Extraction. There is more danger of alarming conditions after the extraction of teeth than most people realize. Pyros * * * prevents the development of infectious conditions * * * By its daily use you can guard the entire system against contagion and disease. The teeth remain clean, the gums firm and natural in color. Finish with a single gargle and you will have a healthy, clean throat. * * It will save you endless dental and medical expense and many anxious hours. It is an excellent preventive. * * * How To Prevent Decay Of The Teeth At Home. Pyros actually prevents and arrests decay of the teeth. The definite and selective germicidal action of Pyros stops the bacterial acid detrition in the first stages of tooth decay. * * * take Pyros one part to water four parts and brush this solution into the cheeks, gums and teeth for three minutes. If this is done morning and evening you will keep your teeth free from cavities or decay. * * * Pyros is of value in checking ruptured arteries and restoring proper circulation."

In the libels filed against the shipments of August 1 and November 2, 1931, to Spokane, Wash., the following statements were charged to be false and fraudulent: (Carton) "A successful aid in the care of tender, bleeding, spongy or receding gums * * * for preventing decay of the teeth, keeping the gums firm and healthy * * * A successful aid in the care of tender or ulcerated gums and teeth and all mouth infections generally;" (bottle) "The use of Pyros as directed will aid in relieving conditions often associated with sore, tender, or bleeding gums, and will tend to discourage conditions that induce or predispose to Pyorrhea;" (circular) "'Used Pyros on several cases of pyorrhea, one in particular that was chronic and got results that I have been unable to get with any other remedy, and I have used many on it.' * * * 'Pyros is the best relief for mouth troubles, pyorrhea, * * * etc., that I have ever used.' * * * 'I have achieved results with Pyros in the subsequent treatment of pyorrhea far superior to that obtained in the use of any other preparation.' * * * 'We find Pyros our most effective agent in the treatment of pyorrhea.' * * 'My treatment for pyorrhea is two scalings and bottle of Pyros.' * * * 'Excellent results obtained by using Pyros in case of Vincent's Angina.' * * * 'Have been trying the sample of your Pyros for pyorrhea and can say I am very much pleased with results.' * * * 'Have used Pyros in connection with air pressure in pyorrhea with marvelous results.' * * * 'As a last resort I advised Pyros. The result was astonishing. In two days inflammation and soreness had subsided, and in five days the teeth and gums were entirely normal.' * * * 'From personal experience I know that it is a specific for Trench Mouth.' * * * 'I have used Pyros in several cases of Vincent's Angina (trench mouth) and have had excellent results.' * * * 'I received the sample bottle of your mouth wash Pyros not long ago and tried it out on a real bad case of Ulcerative Gingivitis, and the result was most wonderful.' * * * 'Have had wonderful results with Pyros in cases of so-called Trench Mouth.' * * * 'Pyros is an efficient remedy to combat that very common and dangerous oral disease pyorrhea. I prescribe Pyros for healing bleeding and receding gums. Several of my patients show marked benefit.' * * * 'Tried your preparation, Pyros, on several cases of pyorrhea, and wish to say it has done the work with better results than any other preparation I have ever used."

The shipment of February 25, 1932 to Sioux City, Iowa, was labeled as in the 2 shipments of August 1 and November 2, 1931, to Spokane, Wash. The libel against this shipment omitted certain portions of the therapeutic claims quoted above, also the adulteration charges recommended by this department.

On September 12, 1932, counsel for the Government and counsel for F. P. Bicknell trading as the Pyros Co., claimant, having stipulated that decrees might be entered in the cases instituted in the Eastern District of Washington

in accordance with the prayers of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal. On October 3, 1932, claimant having withdrawn the answer filed in the case instituted in the District of Oregon, a similar decree was entered; and on November 1, 1932, a default decree of condemnation and destruction was entered in the case in the District of Iowa.

HENRY A. WALLACE, Secretary of Agriculture.

19877. Misbranding of Servex. U. S. v. 41 Sets of Servex. Product re-leased under bond. (F. & D. No. 27286. I. S. No. 21394. S. No. 5457.)

Examination of the product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing

certain curative and therapeutic effects claimed on the carton label.

On or about December 7, 1931, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 41 sets of Servex at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce, on or about March 26, 1931, by the Burnham Snow Products Co., from Los Angeles, Calif., to Phoenix, Ariz., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of oxyquinoline sulphate, quinine sulphate, and boric acid.

It was alleged in substance in the libel that the article was misbranded in that the following statements appearing on the carton label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Leucorrhea should be treated by the use of Servex each night until re-

lieved * * * to prevent infection, use Servex before exposure."

On December 22, 1931, the Servex Laboratories, Hollywood, Calif., having appeared as claimant for the property, the court ordered that the said claimant be permitted to obtain possession of the goods upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act. The product having been relabeled under the supervision of this department, on November 7, 1932, the bond was ordered discharged.

HENRY A. WALLACE, Secretary of Agriculture.

19878. Misbranding of Robene. U. S. v. 162 Bottles, et al., of Robene.
Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27781. I. S. Nos. 42195, 42196. S. No. 5851.)

Examination of the drug product Robene, involved in this action, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels and in an accompanying circular. The article also was found to contain alcohol and chloroform, and failed to bear on the label statements of

the quantity of alcohol and chloroform contained therein.

On February 26, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of one hundred and sixty-two 2-fluid-ounce bottles and fifty-three 4-fluid-ounce bottles of the said Robene, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped on or about January 22, 1932, by the E. I. Runner Co. (Inc.), from Wheeling, W. Va., and had been transported from the State of West Virginia into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils including peppermint oil, camphor, methyl salicylate and thuja oil, chloroform (71 minims per fluid ounce), and alcohol

(61 percent by volume), colored with a green dye.

It was alleged in the libel that the article was misbranded in that the package failed to bear on the label a statement of the quantity or proportion of alcohol and chloroform contained therein. Misbranding was alleged for the further reason that the following statements borne on the carton and bottle labels and in the circular, regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "Aching Joints Aching joints and Rheumatic pains Robene should be applied freely and rubbed in thoroly for

Rheumatic and similar pains. Rheumatic Pains Robene should be applied reely and rubbed in thoroly for Rheumatic and similar pains. * * * Lumbago When * * * congestion settles in muscles much pain is caused.

Massage with Robene for relief. * * * Painful Bunions For painful bunions * * * Swollen Feet * * * Burning, swollen feet and puffed ankles;" (bottle label) "Rheumatic Pains * * * Etc. * * * Lumbago * * * * pain killer * * * for any kind of ache, pain, * * * quickly relieves the above and many other complaints. * * * quickly limbers up sore * * * joints. * * * rub Robene in thoroly for all deep seated aches and pains. * * * Swollen Feet * * * Bunions * * * For quick * * * and lasting relief from the above any other foot discomforts or discases:" (circular) "A his swollen for the above any other foot discomforts or diseases;" (circular) "Aching Joints Robene should be rubbed and massaged thoroly into aching, painful and throbbing joints. By rubbing Robene you create a penetrating heat that goes right in and relief is generally experienced in just a few minutes after Robene is applied. * * * Painful Bunions Robene is not intended to remove or cure Bunions * * * but you will experience a decided lessening of pain if you will apply Robene freely to the afflicted parts. * * * In cases of diseased foot * * * Continued use will generally restore your feet to a healthy condition. * * * Swollen Feet Swollen * * * feet * * * By soaking the feet in hot water once or twice a day and dashing on Robene freely you will experience wonderful relief. * * * Do Not Rub for Foot Trouble, etc. * * * To Relieve Aches, Pains * * * Etc. * * * Lumbago, Lumbago * * * that have settled in the muscles are generally one form of congestion. These congestions are generally relieved promptly by having these congested parts massaged thoroly with Robene. In some cases repeated treatments are necessary * * Rheumatic Pains When the joints ache and throb and your muscles are sore and full of pain or when your nerves are all shot because every movement of your body is torture, Robene should be applied freely and thoroly rubbed in. This creates a penetrating heat that quickly relieves these and similar pains. * * seems to go right into the seat of pain; therefore for all deep-seated pain Robene should be rubbed in. However, in all foot affections etc., Robene should be applied freely and allowed to soak in without rubbing."

On April 9, 1932, the E. I. Runner Co. (Inc.), Wheeling, W. Va., claimant, having admitted the allegations of the libel and having consented to the entry of the decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs and the execution of a bond in the sum of \$166.88, conditioned that it should not be sold or otherwise disposed of contrary to the pro-

visions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19879. Adulteration and misbranding of tincture of aconite. U. S. v.

Three 4-ounce Bottles of Tincture Aconite Root. Default decree
of condemnation and destruction. (F. & D. No. 27800. I. S. No.
39503. S. No. 5898.)

The product involved in this action was represented to be of pharmacopoeial standard, and was found upon analysis to possess a potency of less than one-fourth of that required by the United States Pharmacopoeia for tincture of aconite.

On February 29, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of three 4-ounce bottles of tincture of aconite, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Standard Pharmaceutical Corporation, from Baltimore, Md., on or about February 9, 1932, and had been transported from the State of Maryland into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Tincture Aconite Root (Tinctura Aconiti) U. S. P.," and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, since

its potency was less than one-fourth of that required.

Misbranding was alleged for the reason that the statement on the label, "Tincture Aconite Root (Tinctura Aconiti) U. S. P.," was false and misleading, since the said statement represented that the article was of pharmacopoeial standard, whereas it was not.

On September 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19880. Adulteration and misbranding of Raysol water. U. S. v. 13 Gross Bottles of Raysol Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28251. I. S. No. 43359. S. No. 6126.)

This action involved the shipment of a quantity of mineral water, which upon examination was found to contain radium in an amount approximately

one hundred and fifty times that declared on the label.

On April 27, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agricu'ture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 gross bottles of Raysol water, remaining in the original unbroken packages at Kenmore, N. Y., consigned by Raysol (Inc.), Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about February 8, 1932, from Cincinnati, Ohio, to Kenmore, N. Y., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton and main bottle) "Raysol nature treated, science discovered this natural Mineral Water;" (small bottle) "Analysis * * * Radium content one times ten to minus eleventh power grams per litre."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, since the statement of the radium content on the label was incorrect.

Misbranding was alleged for the reason that the statement on the bottle label, "Radium content one times ten to minus eleventh power grams per litre," was false and misleading.

On August 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19881. Adulteration and misbranding of Strasska's Original tooth paste. U. S. v. 23 Dozen Packages of Strasska's Original Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28282. I. S. No. 23109. S. No. 6155.)

This action involved the interstate shipment of a quantity of tooth paste, the labels of which bore unwarranted antiseptic and germicidal claims. Examination further showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects

claimed in the labeling.

On May 6, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 dozen packages of the said Strasska's Original tooth paste, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 31, 1932, by the Strasska Laboratories, from San Francisco, Calif., to Portland, Oreg., and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, silica, soap, and small proportions of salicylic acid, glycerin, and flavoring material. Bacteriological examination

showed that the article was not antiseptic when used as directed.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely: (Carton) "Highly Antiseptic Takes the place of a mouth wash—The penetrating pungent antiseptic foam makes the use of a mouth wash unnecessary. It's clean odor and taste is an indication of its germicidal qualities;" (circular) "Its clean taste and odor indicates its germicidal qualities."

Misbranding was alleged for the reason that the above-quoted statements appearing on the carton and in the circular, were false and misleading, since the article was not antiseptic and germicidal. Misbranding was alleged for the further reason that the statement "Good for Tender Gums," appearing on the carton flap, was a statement regarding the curative or therapeutic effect of the

article, and was false and fraudulent.

On September 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19882. Misbranding of Bronkomenol Camar. U. S. v. 24 Bottles of Bronkomenol Camar. Default decree of condemnation, forfeiture, and destruction. (No. 7830-A. F. & D. No. 28566.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels. The article contained alcohol, which was not declared on the label as required

by law.

On August 1, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 bottles of Bronkomenol Camar, alleging that the article was in possession of the Drug Co. of Puerto Rico, (Inc.), of San Juan, P. R., and was being sold and offered for sale in Puerto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of creosote, terpenes, sodium benzoate, extracts of plant drugs,

alcohol (1.7 per cent), sugar, and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that certain statements regarding the curative or therapeutic effects of the article, appearing in Spanish on the label, of which the following is a translation, were false and fraudulent: (Carton) "Bronkomenol * * * Used with marvelous results in severe cases of affections of the Chest and respiratory tract, * * * For the benefit of the suffering humanity;" (bottle label "Bronkomenol * * * Used with success in the treatment of chronic catarrh, bronchitis, asthma, grippe, whooping cough, hoarseness and all the affections of the respiratory tract."

On September 21, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19883. Adulteration and misbranding of fluidextract of ginger. U. S. v. 10 Cans of Fluidextract of Ginger. Default decree of condemna-and destruction. (F. & D. No. 28224. I. S. No. 43328. S. No. 6083.)

This action involved a shipment of fluidextract of ginger, represented to be of pharmacopoeial standard, which was found upon examination to contain caster oil and but little ginger extractive. The label of the article also bere

unwarranted curative and therapeutic claims.

On April 28, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cans of fluidextract of ginger, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about March 24, 1930, by the DeLuxe Packing Co., from Brooklyn, N. Y., to Pittsburgh, Pa., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Fluid Extract of Ginger U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on

the label.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract of Ginger U. S. Pharmacopoeia," was false and misleading. Misbranding was alleged for the further reason that the statement on the label regarding the curative and therapeutic effects of the article, "Can be used in relieving Cramps," was false and fraudulent.

On September 6, 1932, no claimant having appeared for the property, judgment of condemnation was entered and was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19884. Misbranding of Eucaline, regular, and Eucaline, tasteless. U. S. v. 34 Bottles of Eucaline Regular, et al. Default decrees of condemnation, for eliture, and destruction. (Nos. 7129-A, 7130-A, F. & D. Nos. 28466, 28467.)

Examination of the drug preparation Eucaline, regular, one of the products covered by this case, disclosed that the labeling bore claims of curative effects in certain diseases for which cinchona derivatives are customarily prescribed, and that the article contained an insufficient amount of the said cinchona derivatives to cure such ailments when used according to directions, viz, 4 teaspoonfuls three times a day, before or after meals. The labels of the article bore further unwarranted curative and therapeutic claims. The labels of the product known as Eucaline, tasteless, also bore unwarranted curative and therapeutic claims; it contained less acetanilid than labeled; and it was also labeled as containing no dangerous medicine, whereas the acetanilid present was a heart depressant, which might be dangerous.

On July 28, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, libels praying seizure and condemnation of 34 bottles of Eucaline, regular, and 34 bottles of Eucaline, tasteless, at Dallas, Tex., alleging that the articles had been shipped in interstate commerce on or about May 24, 1932, by the Vicksburg Chemical Co., from Vicksburg, Miss., into Dallas County, Tex., and charging misbranding in

violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Eucaline, regular, consisted essentially of salts of cinchona alkaloids (quinidine and cinchonine) I grain per 100 millimeters, ferric chloride, traces of capsicum extract, a bitter resin, methyl salicylate, and eucalyptus oil, alcohol, sugar, and water; and that the Eucaline, tasteless, consisted essentially of cinchona alkaloids (quinidine and cinchonine) 1.43 grams per 100 milliliters, acetanilid 2.1 grains per fluid ounce, a trace of eucalyptol, sugar, and water.

It was alleged in the libel filed with respect to the Eucaline, regular, that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle) "Di-* * Regular dose for adults 2 teaspoonfuls; child 7 to 8 years old, rections 1 teaspoonful; child 1 to 3 years old one-half teaspoonful. Take in a little water three times a day, before or after meals. To stop Chill and Fever Double the regular dose and take every 4 hours. After Chills have stopped return to the regular dose and take for the blood and as a restorative tonic three times a day. For La Grippe and Bad Cold; (carton) "An excellent remedy for Malaria, Chills and Fever, Dumb Chills, Enlarged Spleen, Bad Colds, etc. And as an Antimalarial * * * for general debility, caused by Malaria weakening the blood and system, * * if it fails to Break One case of Chills and Fever * * * Is a combination of Liver, Blood and Anti-Malarial Properties. It readily relieves Fever and Chills after other remedies have failed. * * * Great For Chills And Fevers. A Fine Blood and Liver Tonic. Directions Shake the bottle before using Dose—For Adults, 2 teaspoonfuls. Child, 7 to 8 years old, 1 teaspoonful. Child 1 to 3 years old, one-half teaspoonful. To stop Chills and Fevers double above dose and take every 4 hours in a little water. After Chills have stopped return to regular dose and take as a restorative tonic 3 times a day, before or after meals. For LaGrippe and Bad Colds, take in double doses every 4 hours until bowels are acted on well;" (circular) "A wonderful remedy for malaria, chills and fever. For bad colds and what is termed Lagrippe in our Southern country. * * * [Testimonials] 'A great remedy for chills and fever, * * * it is a great remedy for chills.' * * * 'I recommend Eucaline highly for malaria and chronic chills and fever. * * * Have never been sick or had a chill after starting in on Eucaline. I don't believe it can be beat for a * * * liver tonic.' * * * 'One of the best chill medicines we have ever used.' '* * * think there is nothing like it for chills and fever. When our oldest child (now nine years old) was one and one-half years old she had three chills and five fevers every two weeks, and nothing that we or our family doctor did could stop them. A friend recommended Eucaline, and we began using it. and she didn't take one bottle before she was all right. We

always use it now with great success, and I never get tired recommending it to my friends as the very best remedy for chills and fever.' * * * 'We have used Eucaline in our family for two years and found it to be one of the best chill and fever cures we have ever used.' '* * * the best chill medicine we have ever tried.' * * * 'We have been giving your Eucaline to our little girl for chills.' '* * * a fine medicine for chills and fever.' * * * 'We have been using Eucaline for some time and have found it to be all O.K. for checking and curing chills and fever; also lagrippe.' * * * 'It is the best I have tried for chills and fever' * * * 'I have used Eucaline for chills and fever with success.' * * * 'I think it is the best medicine we can get for chills and keep them off.' * * * 'it is the best chill medicine that I have ever used. It is the only chill tonic that we use now.' * * * 'We have used Eucaline for chills and fever and find it a sure remedy. My little sister is taking it for chills now.' * * * 'I think it is as good a chill tonic as can be bought.' * * * 'Eucaline is the leading chill and fever remedy in this locality.' * * * 'I broke the fever with it several years ago.' * * * 'It is the only sure remedy for chills, fever and lagrippe that I have found.' * * * 'It is a great remedy for * * * lagrippe, and chills.' * * * 'I find it to be a great remedy for chills and fever; * * * *' 'Eucaline is the greatest chill and fever remedy ever introduced in this country.' * * * 'I have used your Tonic for chills and fever, and also for bad colds.'" Misbranding was alleged with respect to the Eucaline, tasteless, for the reason that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Bottle) "Take every 3 hours to stop * * * LaGrippe. * * * to strengthen the system;" (carton) "An Improved Remedy for * * * Fevers * * * Is a most excellent remedy in cases of LaGrippe and Bad Colds. Acts mildly on the Liver * * * Restorative * * * Take every 3 hours to stop * * * LaGrippe. * * * to strengthen the system;" (circular) "For bad colds and what is termed LaGrippe in our Southern country. * * * [Testimonials] 'I don't believe it can be beat for a * * * liver tonic.' * * * 'We have been using Eucaline for some time and have found it to be all O.K. for checking and curing * * * lagrippe.' '* * * it is the only sure remedy for * * * lagrippe * * *' 'It is a great remedy for * * * lagrippe * * * 'I have used your Tonic for * * * bad colds, and I think it is unexcelled.'" Misbranding of the said Eucaline, tasteless, was alleged for the further reason that the statement "Acetanilid 3 grains to each fluid ounce," borne on the bottle and carton labels, was false and misleading, since the article contained a considerably smaller proportion of acetanilid, to wit, approximately $2\frac{1}{10}$ grains per fluid ounce. Misbranding of the said Eucaline, tasteless, was alleged for the further reason that the statement "Free from Dangerous Medicine," borne on the carton, was false and misleading, since the article contained acetanilid, a dangerous medicine.

On September 28, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19885. Misbranding and alleged adulteration of fluidextract of ginger. U. S. v. 9 Dozen Bottles of Extract of Ginger. Default decree of condemnation and destruction. (F. & D. No. 28239. I. S. No. 21116. S. No. 6105.)

This action involved the interstate shipment of a quantity of fluidextract of ginger which fell below the standard prescribed by the United States Pharmacopoeia, containing castor oil and little, if any, material derived from ginger. The label of the article bore unwarranted curative and therapeutic claims.

On April 30, 1932, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine dozen bottles of extract of ginger, in possession of the transportation company at Fayetteville, N. C., alleging that the article had been shipped in interstate commerce on or about April 21, 1930, by the DeLuxe Packing Co., Brooklyn, N. Y., consigned to Conway, S. C., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Fluid Extract of Ginger, U.S.P."

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "Fluid Extract of Ginger, U.S.P.," was false and mis-

leading. Misbranding was alleged for the further reason that the statements on the label, "Can be used in relieving cramps * * * is an aid in breaking up colds," were false and fraudulent. It was further alleged in the libel that the article was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia, in that it did not contain in each 1,000 milliliters the alcohol-soluble constituents of 1,000 grams of ginger required by the pharmacopoeia, but did consist essentially of an oil such as castor oil dissolved in a mixture of alcohol, acetone and water, with little, if any material derived from ginger. This charge follows substantially the wording found in the definition of adulteration in paragraph 1, under drugs, of section 7 of the food and drugs act. The word "adulteration," however, was not used in the libel.

On September 21, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the

product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19886. Adulteration and misbranding of Cadodyne tablets. U. S. v. Girard Pharmacal Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 27539. I. S. No. 30926.)

This action was based on the shipment of a quantity of Cadodyne tablets, samples of which were found to contain less acetanilid than declared on the

label.

On July 6, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Girard Pharmacal Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about February 19, 1931, from the State of Pennsylvania into the State of New Jersey, of a quantity of Cadodyne tablets that were adulterated and misbranded. The article was labeled in part: "Cadodyne For Pain Each tablet contains acetan-* * Prepared by Girard Pharmacal Co. * * * Philadelilide 2 grs. phia, Pa."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain 2 grains of acetanilid, whereas each tablet contained less than so represented, to wit,

not more than 1.592 grains of acetanilid.

Misbranding was alleged for the reason that the statement "Each tablet contains acetanilide, 2 grs." borne on the label, was false and misleading.

On September 19, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HENRY A. WALLACE, Secretary of Agriculture.

19887. Misbranding of Dr. M. C. Kreitzer's salve. U. S. v. Aschenbach & Miller (Inc.). Plea of guilty. Fine, \$50. (F. & D. No. 28077. I. S. Nos. 37860, 37861.)

Examination of the drug product on which this action was based disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in representations

appearing on the box and carton and in the circular.

On June 22, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Aschenbach & Miller (Inc.), a corporation, Philadelphia, Pa., alleging shipment by said company from the State of Pennsylvania into the State of Delaware, in violation of the food and drugs act as amended, in part on or about July 15 and in part on or about September 16, 1931, of quantities of Dr. M. C. Kreitzer's salve that was misbranded.

Analysis of a sample of the article by this department showed that it con-

sisted essentially of a lead soap, camphor, rosin, and a fatty base.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the curative and therapeutic effects of the article, appearing on the labels of the boxes and cartons and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for fresh wounds, boils, carbuncles, old sores, bunions, tumors, sores, swellings, sore breasts, indolent ulcers, erysipelas, ingrown nails, bone felons, and effective as a relief for boils and to control inflammation and prevent mortification; whereas the article contained no ingredient or medicinal agents effective for the purposes represented.

On September 19, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, Secretary of Agriculture.

19888. Adulteration and misbranding of Sinaspra. U. S. v. 30 Bottles of Sinaspra. Decree of condemnation and destruction. (F. & D. No. 27612. I. S. No. 44730. S. No. 5634.)

Examination of the drug product Sinaspra disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article also was represented to be an antiseptic and germicide, whereas bacteriological examination showed that it was not an antiseptic and germicide when used as directed.

On December 30, 1931, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of the said Sinaspra, remaining in the original unbroken packages at Indianapolis; Ind., alleging that the article had been shipped in interstate commerce, on or about September 8, 1931, by the Sinaspra Corporation, from Columbus, Ohio, to Indianapolis, Ind., and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a small proportion of ephedrine, glycerin, and water. Bacteriological examination showed that the article was neither germicidal nor antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely: (Carton) "Germicidal;" (circular) "It kills germs. * * * antiseptic."

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (Carton) "Germicidal;" (circular) "It kills Germs * * * the effective antiseptic action of Sinaspra." Misbranding was alleged for the further reason that the following statements, appearing on the bottle and carton labels and in the circular, were false and fraudulent: (Bottle label) "As a preventive and treatment of nasal and sinus disorders

* * spray lightly to obtain that Protective Coating;" (carton) "Sinaspra

* * A treatment for Chronic or Acute Sinusitis, Catarrh, Hay Fever,

* * Enjoy the Exhilaration of Really Free Breathing by Using this

* * Preventive in your Atomizer Daily * * As a Preventive of and Treatment for Nasal and Sinus Disorders * * As essential to nasal hygiene as tooth paste is to mouth health * * Protective;" (circular) "Sinaspra Gives You Complete Treatment * * * For Sinus Infections

* * * Catarrh, Hay Fever * * It Protects. Four major actions. * * *

sterilizing, * * * protecting—are essential to full and effective treatment of nasal and sinus infections. Sinaspra performs these four major actions safely and thoroughly. * * * protects against re-infection. Use Sinaspra freely for * * * hay fever, catarrh, sinus headaches, etc. Use Daily as a Preventive * * * As a preventive its daily use is recommended, particularly during the * * * hay fever seasons. For those who suffer from catarrh or chronic sinus ailment Sinaspra is an invaluable daily treatment. It is common knowledge that the need pressures and sinuses form ment. It is common knowledge that the nasal passages and sinuses form one of the body's greatest harbors of bacteria. The warm, moist passages are an ideal place for bacteria to lodge and multiply. Unless drainage of the sinuses is constantly maintained, toxins are formed and absorbed by the system, frequently causing nasal and throat affections, as well as other diseases far more serious in health through neglect of nasal hygiene. Keep Sinaspra always at hand, * * * If you suffer with catarrh or hay fever, use Sinaspra regularly to maintain sinus drainage and to soothe the membrane. * * * Sinaspra opens * * * sinuses for draining * * * the effective antiseptic action of Sinaspra sterilizes every part of the membrane with which it comes in contact. * * * Finally, Sinaspra covers the membrane with that protective coating which safeguards against re-infection.

If neglected they may spread to the throat or chest, developing into grippe, laryngitis or more serious trouble. * * * Catarrh Common Catarrh is annoying to the person afflicted and because it is often the cause of bad breath it is also offensive to others. Moreover, if it is allowed to continue unchecked it frequently results in serious sinus troubles, in many cases actually destroying the frontal bone structure. The daily use of Sinaspra will establish and maintain the necessary drainage, aiding Nature to correct the condition. Hay Fever This annoying and often painful irritation is usually caused by the pollen of certain weeds and plants coming in direct contact with the mucus membrane. Sinaspra treats hay fever effectively by first cleansing the membrane and healing it and then coating it with a protective film. If you are subject to hay fever use Sinaspra several times a day during hay fever season. Sinus Headaches These painful headaches are generally caused by congestion combined with poor drainage and improper functioning of the sinuses. Here again drainage of the sinus passages is essential to relief. Sinaspra is the ideal treatment for sinus headaches. In using atomizer for sinus headaches, best results will be obtained by tilting the head far forward so solution will reach the frontal sinus passages which are located in the forehead. Stoop over far enough and bend head, so forehead will be lower than nostrils before starting the spraying operation and you will be highly pleased with results. * * * The Safe, Quick-Acting Preventive and Treatment for Nasal and Sinus Infections. * * * Sinaspra is different—both in formula and results-from other preparations used for treatment of nasal and sinus

The Sinaspra Corporation, Columbus, Ohio, entered an appearance and filed an answer to the libel on January 29, 1932. On September 3, 1932, leave having been granted the intervener to withdraw its answer, and the court having found that the allegations of the libel were true, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the

United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19889. Misbranding of Ma Burns' liniment. U. S. v. 8 Dozen Bottles of Ma Burns' Liniment. Default decree of condemnation, forfeiture, and destruction. (8298-A. F. & D. No. 28659.)

Examination of the drug product involved in this action showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels, and in an accompanying circular. The article also was represented to be

nonpoisonous, whereas it contained a poisonous substance.

On August 15, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 dozen bottles of Ma Burns' liniment, remaining in the original unbroken packages at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce on or about February 5 and March 5, 1932, by Ma Burns's Liniment Co., from Boston, Mass., to Atlantic City, N. J., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an emulsion containing turpentine oil, uncombined ammonia

(8.8 percent), and water.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Pharmaceutically Non-poisonous," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent: (Carton) "Great Relief For Tuberculosis Pneumonia, Laryngitis, Bronchitis, Pleurisy, Influenza, Asthma, Coughs, * * * Rheumatism Lumbago * * * Neuritis Blood Poisoning * * * for * * * Coughs. For Influenza or Pneumonia, if its properly used, recovery is practically certain. * * * applied to the skin, goes directly to the seat of the trouble * * * Pain is often banished during application * * * Great Relief for Tubercle Lungs Glands or Joints Arrests the work of Pneumonia or Influenza Germs in a few hours. Gives immediate relief in rheumatic fever and puts the patient on his feet within a short time;" (bottle) "Seeps down to the depths of the disturbed area,

sweeps out the aching root pain, and kills rheumatic aches. You instantly feel the warm glow when applied to the aching area. Starts normal circulation coursing down to the painful area. What a blessed relief if affords. Makes you forget all pain and inflamation;" (circular) "Special Instructions * * * For Chronic Rheumatism apply at least three times a day using One Fourth Bottle at each application until pain is removed. Then use bottle every four days until cured. This application is recommended for Neuritis, Lumbago or any affliction which has become deep seated and of long standing. This Remedy may bring pimples to the surface which may discharge a watery substance, this indicates that the poison or inflamation is being drawn from the afflicted parts. In all other complaints such as Peritonitis, Catarrh, * * * Asthma, * * Stiff Joints, etc., follow directions on bottle. But in all other complaints use Remedy very freely and often. Whether applying or inhaling use Plentiful for best results, instant relief will follow. For Throat and Lung troubles apply on surface, inhale through mouth and nose by pouring Liniment in palm of hands, inhaling fumes into lungs will render relief. * * * Numerous people have been benefited of Lung Trouble by following these instructions and it has prolonged many lives. It has proven very beneficial for Pneumonia and Influenza.

On September 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the

court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19890. Misbranding of Pinkard's sanguinaria compound. U. S. v. John Henry Pinkard. Plea of guilty. Fine, \$25. (F. & D. No. 27427. I. S. No. 29224.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of pro-

ducing certain curative and therapeutic effects claimed on the bottle label.

On December 7, 1931, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against John Henry Pinkard, of Roanoke, Va., alleging shipment by said defendant in violation of the food and drugs act, as amended, on or about May 18, 1931, from the State of Virginia into the State of New York, of a quantity of Pinkard's sanguinaria compound that was misbranded.

Analysis by this department of a sample of the article showed that it consisted essentially of extracts of plant drugs including sanguinaria, sugar,

alcohol, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle label, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for pneumonia, coughs, weak lungs, asthma, kidney, liver, bladder, or any stomach troubles, and effective as a great blood and nerve tonic.

On July 5, 1932, the defendant entered a plea of guilty to the information,

and the court imposed a fine of \$25.

HENRY A. WALLACE, Secretary of Agriculture.

19891. Misbranding of Servex. U. S. v. 81 Packages of Servex. Product released under bond. (F. & D. No. 27229. I. S. No. 21393. S. No. 5362.)

Examination of the product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton label and in a

circular shipped with the article.

On or about December 7, 1931, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 81 packages of Servex at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about September 14, 1931, by the Servex Laboratories (Ltd.), from Hollywood, Calif., to Phoenix, Ariz., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of oxyquinoline sulphate, quinine sulphate, and boric acid.

It was alleged in substance in the libel that the article was misbranded in that the following statements appearing on the carton label, regarding the curative and therapeutic effects of the article, were false and fraudulent. "Use Servex before retiring for the treatment of Leucorrhoea and other

vaginal infections."

This department in its report to the United States attorney recommended that the libel charge, in addition to the above, that the following statements appearing in a circular shipped with the article also were false and fraudulent: (Circular) "Your Health Madam! Do You know a woman who is suffering from leucorrhoea or other pelvic disorders, or who is gambling her health by using poisons for her personal hygiene needs? Tell her about Servex. * * Relief of Pelvic Congestion Did you know that three out of every four women suffer from various degrees of pelvic congestion. This congestion causes that feeling of weight and discomfort, drains vitality, upsets the nervous system, and prepares the way for serious disorders. Servex * * relieves congestion and frequently removes the causes which would necessitate long and painful treatments by physicians. Leucorrhoea Perhaps you have used Servex for the treatment of leucorrhoea. If so, you know that it is particularly effective for this as for other pelvic disorders. Recommend Servex to a friend who is troubled with leucorrhoea and you will doubly bind that friendship by so doing. * * * 'We have observed the action from the use of Servex the last three years and can highly recommend it in all vaginal disorders as well as for prophylactic purposes.' * * * 'A safe sanitary measure for combating the usual infectious conditions of the vaginal area. It is decidedly one of the most pleasant methods of applying an antiseptic in pelvic regions, as well as effica-cious.' 'During the past year I have used Servex continually in the office on vaginal infections. Am gratified to say that the results have been uniformly satisfactory."

On December 22, 1931, the Servex Laboratories, Hollywood, Calif., having appeared as claimant for the property, the court ordered that the said claimant be permitted to obtain possession of the goods upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act. The product having been relabeled under the supervision of this department, the

bonds were ordered discharged on November 7, 1932.

HENRY A. WALLACE, Secretary of Agriculture.

19892. Adulteration and misbranding of Capsules Phenammo and Capsules Insulans. U. S. v. The Philadelphia Capsule Co. Plea of nolo contendere. Fine, \$150. (F. & D. No. 26671. I. S. Nos. 29101, 29979.)

This action was based on the shipment of a quantity of Capsules Phenammo, samples of which were found to contain a smaller amount of acetphenetidin than declared on the label; also of a shipment of Capsules Insulans that were represented to contain insulin, and which were in fact inert, i. e., containing none of the therapeutically important principles of insulin. Examination showed further that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects

claimed on the labels.

On August 3, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Philadelphia Capsule Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 14, 1931, from the State of Pennsylvania into the State of New Jersey, of a quantity of Capsules Phenammo, and on or about February 23, 1931, from the State of Pennsylvania into the State of Delaware, of a quantity of Capsules Insulans, both of which products were adulterated and misbranded.

Analyses of samples of the articles by this department showed that the Capsules Phenammo contained 2.363 grains of acetphenetidin each and that the Capsules Insulans were physiologically inert. The articles were labeled in part, respectively: "Capsules Phenammo Represents Acetphenetidine 3 grs. * * * Philadelphia Capsule Co., Inc. Philadelphia, Pa.;" "Capsules Insulans (Philadelphia Capsule Represents Insulin 1 unit Dose: One capsule before meals and at bed time, doubling the amount at the end of a week, and continue indefinitely. Blood sugars should show a 35 per cent distinct reduction if the above instructions are followed."

Adulteration of the Capsules Phenammo was alleged in the information for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that each capsule was represented to contain 3 grains of acetphenetidin, whereas each of said capsules contained less than 3 grains of acetphenetidin. Adulteration of the Capsules Insulans was alleged for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that each capsule was represented to contain insulin, whereas the article contained

in the said capsules was inert.

Misbranding of the Capsules Phenammo was alleged for the reason that the statement "Capsules * * * Represents Acetphenetidine 3 grs.," borne on the label, was false and misleading, since each of said capsules contained less than 3 grains of acetphenetidin. Misbranding of the Capsules Insulans was alleged for the reason that the statements, to wit, "Each Capsule Represents Insulin 1 Unit. Dose: One capsule before meals and at bed time, doubling the amount at the end of a week and continue indefinitely. Blood sugars should show a 35 per cent distinct reduction if the above instructions are followed," borne on the label, were false and misleading, since each of the said capsules did not represent insulin 1 unit, and the said capsules when used as directed did not effect a reduction of 35 per cent in blood sugars, but were inert. Misbranding of the Capsules Phenammo was alleged for the further reason that certain statements, designs, and devices regarding the curative or therapeutic effects of the article falsely and fraudulently represented that it was effective as a treatment for dysmenorrhea and influenza. Misbranding of the Capsules Insulans was alleged for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article falsely and fraudulently represented that it was effective to reduce blood sugars in the system.

On September 19, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150

HENRY A. WALLACE, Secretary of Agriculture.

19893. Misbranding of Eson. U. S. v. 12 Dozen Small Bottles, et al., of Eson. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27744. I. S. No. 12676. S. No. 5819.)

Examination of the drug preparation involved in this case showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels and in a circular shipped with the article. The product also was represented to be an antiseptic and germicide, whereas it was not; and was further represented to contain iodine, whereas it contained no free iodine.

On February 16, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 dozen small bottles and four dozen large bottles of Eson, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 20, 1930 (1931), by the Pharmacy Products (Inc.), from Wilmington, Calif., to Portland, Oreg., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small proportions of phenol and an iodine compound, glycerin, alcohol (3.7 percent), and water, colored with a red dye. Bacterio-

logical examination showed that the article was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labeling were false and misleading: (All cartons) "Antiseptic * * * It contains * * * iodine;" (large carton in addition to above) "Eson does more than kill bacteria * * * not only kills * * *:" (bottle labels) "Eson is an effective antiseptic and germicidal preparation;" (circular entitled "Brings Relief to the Talkies") "This preparation checks the growth of bacteria, which are always present in everybody's mouth, throat, and nose, and which multiply and make trouble the moment natural resistance to them falls below par. * * * kills the bacteria, Eson is a remarkably effective antiseptic and germicidal preparation. an antiseptic and bactericide;" (circular entitled "Secures Peace of

Mind") "Its bactericidal ingredients make the cleaned surfaces antiseptic

* bactericidal in its action." Misbranding was alleged for the further reason that the following statements appearing in the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: (All cartons) "For inflamed and bleeding gums or sore mouth, use morning and night. Sore Throat, Tonsillitis: Gargle with * * * until relief is felt. Trench Mouth, Pyorrhea: For protection from these serious and prevalent germ-diseases, use Eson regularly as a mouth wash and once a day with the tooth-brush in place of a dentifrice. * * * Hay Fever, Catarrh:

* * Cuts, Abrasions, Burns, * * * Skin Infections: * * * Itching Toes, so-called 'Athlete's Foot': * * * Repeat the treatment until there is no more irritation or soreness. * * * Feminine Hygiene: * * * Very beneficial in the treatment and prevention of leucorrhea. Assures peace of mind;" (large carton in addition to above) "Eson does more than kill bacteria with which it comes in contact. As a treatment for existent infection, Eson not only kills bacteria on the surface, but penetrates into the tissues, activates blood circulation and cell drainage, and so helps to restore a normal, healthful condition more quickly than nature, unaided, can accomplish this result. As a preventive of infection in the mouth, throat, and nose, Eson is valuable for the reason that it cuts away old mucous, which harbors debris and bacteria, and invigorates the tissue cells; "(bottle labels) "Sore Throat, Tonsillitis. Gargle or spray with Eson every 30 to 60 minutes until relief is felt.

* * Rinse the mouth with Eson full strength. * * * For inflamed gums, use morning and night. Catarrh, Hay Fever. Use as nasal douche or spray. * * * Cuts, Abrasions, Burns, * * * Infections. Cleanse affected part. Apply loose gauze dressing saturated with Eson, full strength;" (circular entitled "Brings Relief to the Talkies") "Eson cleanses mucous from the membranes, kills the bacteria, stimulates the tissue cells, and relieves vocal cord fatigue, thereby aiding greatly in keeping the voice clear and resonant, and preventing infection. * * * Sore throat, * * * and many other local disorders of the mucous membranes are caused by toxins produced by bacteria which live and thrive in the mucin which normally covers these membranes. Eson cleanses the membranes of mucin, kills the bacteria, and greatly aids nature in maintaining a normal state of health by stimulating capillary circulation and cell drainage. * * * you will enjoy a freedom * * * and sore throat that you have never dreamed could be possible!
* When halitosis comes from infected tissues in the mouth, throat, or nose, these tissues must be freed of the trouble-making bacteria or the cause of physical irritation and resultant inflammation removed; otherwise the disorders tend to become constantly worse, and the final results are frequently of a serious nature. * * * 'Athlete's foot' and Itching Toes Saturate small folds of gauze or pieces of absorbent cotton with full strength Eson and place between the toes. Bandage and leave in place all night. Repeat for several nights until the itching stops and the skin becomes normal;" (circular) "'Secures Peace of Mind' Leucorrhea, Vaginitis, and Cervicitis Their causes and Treatment Physicians declare that nearly every woman suffers from leucorrhea, vaginitis or cervicitis in some degree * * * Leucorrhea Leucorrhea is the result of irritation of the cervix or vagina and the cysts of Naboth in the cervix induced by similar conditions that give the result of the cervical conditions that the continuous conditions that the condition cervix, induced by similar conditions that give rise to vaginitis. It is often evidenced by a burning discharge. Vaginits In some cases the only symptoms of vaginitis are a feeling of depression and nervous irritability, and it is not realized that the trouble is in the vagina or cervix. The vagina is made up of rugae, or heavy folds of mucous membranes. Normal secretions from the vaginal cells. and the cysts of Naboth collect in these folds. Unless flushed away bacterial growth takes place with the result that blood circulation and cell drainage become impaired, and the membranes relax, thicken and often become inflamed. That is vaginitis. Cervicitis Cervicitis is a disorder of the cervix, which is the neck of the uterus (womb). It is caused by similar conditions that induce vaginitis, and also by misplacement of the uterus (tipping or bending). Advanced cervicitis can cause sterility, as the cervix, or mouth of the uterus, may become so infected that the opening of the uterus may be sealed or chronically enlarged. This condition also interferes with menstruation. Treatment Relief from the irritations of leucorrhea, vaginitis or cervicitis is secured by a daily douche with Eson, as directed, i. e., two tablespoonfuls to a quart of warm water, in most cases. * * * its bactericidal ingredients make the cleaned surfaces antiseptic, and its mildly astringent action stimulates blood circulation and so speeds up drainage of congested tissues. *

In cases of vaginitis and cervicitis with leucorrheal discharges, and in bacterial infection of the vulva, Eson should be used daily. To prevent inflammations, and infections of the vagina Eson should be used in the douche two or three times a week. Severe cases of leucorrhea may not respond to the proportion of two tablespoonfuls of Eson to a quart of water. Four, or six, tablespoonfuls may be required. If the latter quantity is not successful, a physician should be consulted."

This department in its recommendation to the United States attorney also recommended that a charge be included in the libel that the article was also adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold: (Cartons) "Antiseptic * * * It contains * * * Iddine," (bottles) "Antiseptic and germicidal preparation."

On July 25, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court

that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19894. Misbranding of Glicoiodina. U. S. v. 4 Dozen Small Bottles of Glicoiodina. Default decree of condemnation, forfeiture, and destruction. (No. 7834-A. F. & D. No. 28564.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels.

On August 1, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four dozen small bottles of Glicoiodina alleging that the article was in possession of Serra, Garabis & Co. (Inc.), of San Juan, P. R., and was being sold and offered for sale in Puerto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of iodine, potassium iodide, menthol, eucalyptol, thymol.

alcohol, and water.

It was alleged in the libel that the article was misbranded in that certain statements regarding the curative or therapeutic effects of the article appearing in Spanish on the label, of which the following is a translation, were false and fraudulent: (Carton label) "For all diseases of the Mouth." * * Recommended for the Affections of the Mouth;" (bottle label) "For all diseases of the mouth."

On September 21, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19895. Misbranding of B-M-C Necro-Cide. U. S. v. Two 5-Gallon Cans, et al., of B-M-C Necro-Cide. Default decree of condemnation and destruction. (No. 2526-A. F. & D. No. 28274.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it in the represen-

tations contained on the can label.

On May 19, 1932, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two 5-gallon cans and two 3-gallon cans of the said B-M-C Necro-Cide at Mitchell, S. Dak., alleging that the article had been shipped in interstate commerce, in part on or about April 5, 1932, and in part on or about April 6, 1932, by the Baker-Mayes Co., from South Omaha, Nebr., to Mitchell S. Dak., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate, small proportions of ammonium chloride, a sulphate, a thiosulphate, a magnesium compound, phenolic substances including guaiacol and an extract of a laxative plant drug, and water,

colored with caramel.

It was alleged in the libel that the article was misbranded in that the following statements, borne on the can label, were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchaser that the article was effective in the diseases and conditions named therein: "Necro-cide For Treatment of Necrotic Enteritis, Flu and Mixed Infection. How to Prepare for Treatment. Hogs to be treated should be placed in clean quarters with a plentiful supply of drinking water. During the period of treatment hogs should receive no feed except medicated oats * * * If herd is uneven, smaller or weaker hogs must be separated so that all hogs get the right amount of medicine. Pigs under treatment must be confined in dry lot and receive no feed except medicated oats. * * * Necro-Cide * * * Results of this treatment depend upon keeping the hogs filled on the medicated oats. * * * Treatment of Flu Herds Place Necro-Cide in all drinking water, mix one quart Necro-Cide to ten gallons of water. Continue medicated water until full appetite returns. Flu hogs should have all the medicated oats (prepared as directed above) and no other feed for a period of ten days, the three feeds a week to prevent reoccurrance. * * * weaning pigs should be placed on a full ten day treatment immediately after weaning, especially if premises carried infection previous season."

On August 15, 1932, a decree pro confesso was entered, finding that the allegations of the libel were admitted and that the product should be condemned. On September 19, 1932, judgment of condemnation was entered and it was ordered by the court that the product be destroyed. On September 30, 1932, an amendment to the decree was filed ordering that the defendant pay costs

of the proceedings.

HENRY A. WALLACE, Secretary of Agriculture.

19896. Misbranding of Dickinson's Celebrated cow cleaning prescription. U. S. v. 18 Bottles of Dickinson's Celebrated Cow Cleaning Prescription. Default decree of condemnation, forfeiture, and destruction. (No. 3579-Δ. F. & D. No. 28546.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle and carton labels.

On August 9, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 bottles of the said Dickinson's Celebrated cow cleaning prescription at Chicago, Ill., alleging that the article had been shipped in interstate commerce, August 3, 1931, by the Hoeveler Drug Co., from Waukesha, Wis., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (80 percent), extract from a laxative

plant drug, and sulphur.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Bottle label) "Cow Cleaning Prescription Never Known to Fail This preparation has been used with great success, and supplies a want long felt by farmers and dairymen. It is warranted to cause the cow to clean within forty-eight hours, when used as directed. The use of this preparation has the effect of restoring the vigor and strength of the cow, increasing her milking capacity, and a preventive for milk fever. * * * For milk fever give two bottles, one-half bottle every three hours, and one quart of warm water every hour until relieved;" (carton) "Cow Cleaning Prescription Never known to fail This preparation has been used with great success, and supplies a want long felt by farmers and dairymen. It is warranted to cause a cow to clean within forty-eight hours, when used as directed. The use of this preparation has the effect of restoring the vigor and strength of the cow, increasing her milking capacity, and a preventive for milk fever. * * * Farmers and Dairymen should not fail to use Dickinson's Cow Prescription, as it will often save the price of the cow in preventing that fatal disease, Milk Fever; will positively cause the cow to clean, Relieves Garget, Horn Ail and all diseases of the cow and will repay ten-fold in increasing the flow of milk. [Testimonials] 'One of my cows did not clean for

over a week after she calved, and grew poor every day, and her milk nearly failed. I thought she would die. I procured a bottle of Dickinson's Cow Prescription, on the recommendation of my neighbors, and it caused the cow to clean, and she began to gain flesh and was soon restored to her usual quantity of milk, and I can say that the medicine was worth to me one-half the price of the cow.' * * * 'I had a cow taken sick with milk fever Sunday night, November 7, 1886, and lay two days covered with blankets and by advice of my neighbors I got and gave her two bottles of Dickinson's Cow Prescription, gave one-half bottle every three hours and warm water every hour, and it cured her.' * * * 'I had a cow that did not clean for three days after calving. I procured a bottle of your Cow Prescription and gave it according to the directions, and the cow was all right in less than thirty-six hours after giving, and has done first rate since.' * * * 'I got one of my neighbors to try it on a cow that was almost dead with Milk Fever, and it cured her."

On September 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the

court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19897. Misbranding of Mrs. Dinsmore's balsam. U. S. v. 69 Bottles Mrs. Diusmore's Balsam. Default decree of condemnation, f feiture, and destruction. (No. 11575-A. F. & D. No. 28637.) condemnation, for-

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for the article on the

bottle and carton labels.

On August 10, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 69 bottles of Mrs. Dinsmore's balsam, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 1, 1932, by L. M. Brock & Co. (Inc.), from Lynn, Mass., to Brooklyn, N. Y., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an antimony compound such as tartar emetic, extracts,

of plant drugs, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Bottle) "Recommended for Coughs, * * * Hoarseness, Difficulty of Breathing, Whooping Cough, * * * Huskiness of the Throat. * * * For Hoarseness;" (carton) "In cases of Coughs, Hoarseness, Huskiness of the Throat, Difficulty of Breathing, Whooping Cough."

On September 28, 1932,, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19898. Misbranding of Jarabe Diurético de Coquí. U. S. v. 100 Bottles of Jarabe Diurético de Coquí. Default decree of condemnation, forfeiture, and destruction. (No. 7829-A. F. & D. No. 28565.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle label. The article contained alcohol which was not declared on the label, as

required by law.

On August 1, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 bottles of the said Jarabe Diurético De Coqui, alleging that the article was in possession of J. M. Blanco (Inc.), San Juan, P. R., and was being sold and offered for sale in Puerto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis by this department of a sample of the article showed that it consisted essentially of extract of plant material such as coqui, alcohol (3.7 per-

cent), sugar, and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the said article. Misbranding was alleged for the further reason that the following statements appearing in Spanish on the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle label, translation) "Used for diseases of the Kidneys, Bladder, Urethra and in Inflammations."

On September 21, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the

court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19899. Adulteration and misbranding of fluidextract of ergot. U. S. v. 7½ Pints of Fluidextract of Ergot. Default decree of condemnation, forfeiture, and destruction. (No. 11773-A. F. & D. No. 28728.)

This case involved the shipment of a product which was represented in the labeling as being of pharmacopoeial standard and which was shown by examination to possess a potency of approximately two-thirds of that required by

the United States Pharmacopoeia for fluidextract of ergot.

On August 19, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 7½ pints of fluidextract of ergot, remaining unsold at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 5, 1932, by Blackman & Blackman (Inc.), from New York, N. Y., to Newark, N. J., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fluid Extract Ergot, U.S.P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in said pharmacopoeia, and its own standard of strength was not stated upon the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Ergot U.S.P.," was false and misleading.

On September 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19900. Adulteration and misbranding of sodium salicylate tablets, blaud and strychnine compound tablets, phenolphthalein tablets, migraine tablets, nitroglycerin compound tablets, fluidextract of ergot, tincture of acouite, and Wiley's Alcoholic Extract of Cod Liver Oil: misbranding of Narco syrup of the hypophosphites. U. S. v. Hance Bros. & White (Inc.). Plea of nolo contendere. Fine, \$200. (F. & D. No. 27484. I. S. Nos. 2440, 27837, 27841, 28002, 28003, 28004, 28006, 28007, 29781, 29811, 29812.)

This action was based on the shipment in interstate commerce of various drugs and drug preparations, which included six lots of drug tablets. The sodium salicylate tablets, the phenolphthalein tablets, and the two lots of nitroglycerin tablets were found to contain smaller amounts of the said drugs than declared. The blaud and strychnine tablets and the migraine tablets also were found to contain a smaller amount of one of the drugs than declared on the labels. The fluidextract of ergot and the tincture of aconite were both represented to be of pharmacopoeial standard and failed to meet the pharmacopoeial tests, the former being essentially inert, i.e., possessing about one-sixth of the required potency of the therapeutically important principle of fluidextract of ergot U.S.P. The case also covered two shipments of a drug preparation, labeled "Wiley's * * * Alcoholic Extract of Cod Liver Oil," and one labeled, "Narco Syrup of the Hypophosphites." Examinations of these drug preparations disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. One lot of the so-called Wiley's extract of cod-liver oil was tested biologically, and was found to be worthless as a source of vitamin D, one of the therapeutically important principles of cod-liver oil.

On August 3, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information

against Hance Bros. & White (Inc.), a corporation, Philadelphia, Pa., alleging shipment by the defendant company from the State of Pennsylvania into the State of New Jersey, of quantities of drugs and drug preparations. The information charged that the defendant company had shipped in interstate commerce, on or about July 16, 1930, a quantity of sodium salicylate tablets; on or about January 24, 1931, quantities of blaud and strychnine compound tablets and phenolphthalein tablets, respectively; on or about February 2, 1931, of a quantity of migraine tablets, of two lots of nitroglycerin compound tablets, and one lot each of fluidextract of ergot and tincture of aconite; and that all said products were adulterated and misbranded in violation of the food and drugs act. The information further charged shipment on or about March 18 and April 17, 1931, of two lots of "Wiley's extract of cod-liver oil," which was misbranded and the latter of which was also adulterated, and shipment on or about October 18, 1930, of a lot of Narco Syrup of the Hypophosphites, which was misbranded. The articles were labeled in part; "Compressed tablets Sodium Salicylate five grains * * * Hance Brothers & White Incorporated * * * Philadelphia;" "Tablets Blaud and Strychnine Comp. * * * Arsenous Acid 1/50 Grain;" "Tablets Phenolphthalein * * * One Grain;" "Compressed Tablets Migraine Improved Acetanilide 2½ gr.;" "Tablet Triturates Nitroglycerin Comp. * * * Nitr glycerin 1/200 Gr. [or Nitroglycerin 1/100 Gr.];" "Fluid Extract Ergot U. S. P. Tested Physiologically;" "Poison Tincture Aconite U. S. P. Assayed physiologically;" "Wiley's Palatable Preparation of the Alcoholic Extract of Cod Liver Oil;" "Compound Narco Syrup

of the Hypophosphites."

Adulteration of the said drug tablets was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the said sodium salicylate tablets was represented to contain 5 grains of sodium salicylate, whereas each of the said tablets contained less than so represented, i. e., not more than 4.344 grains of sodium salicylate; each of the said blaud and strychnine compound tablets was represented to contain 1/50 grain of arsenous acid, whereas each of said tablets contained less than so represented, i. e., not more than 0.0176 grain of arsenous acid; each of said phenolphthalein tablets was represented to contain 1 grain of phenolphthalein, whereas each of said tablets contained less than so represented i. e., not more than 0.903 grains of phenolphthalein; each of the said migraine tablets was represented to contain 21/2 grains of acetanilid, whereas each of said tablets contained less than so represented i. e., not more than 2.257 grains of acetanilid; each of the nitroglycerin tablets was represented to contain 1/200 grain or 1/100 grain of nitroglycerin, whereas each of said tablets contained less than so represented, the former containing not more than 0.00052 (approximately 1/2000) of a grain of nitroglycerin and the latter containing not more than 0.00458 (less than 1/200) grain of nitroglycerin. Adulteration of the fluidextract of ergot and the tincture aconite was alleged for the reason that the articles were sold under names recognized by the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia official at the time of investigation and the standard of strength, quality, and purity of the articles was not declared on the container. Adulteration of the said fluidextract of ergot and tincture of aconite was alleged for the further reason that the articles fell below the professed standard and quality under which they were sold in that the former was represented to be fluidextract of ergot physiologically tested, which conformed to the standard laid down in the United States Pharmacopoeia and the latter was represented to be physiologically assayed tincture of aconite which conformed to the standard laid down in the United States Pharmacopoeia, tenth revision, whereas the articles were not physiologically tested or assayed products which conformed to the said United States Pharmacopoeia. Adulteration of the said Wiley's extract of cod-liver oil was alleged for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be extract of cod-liver oil, whereas it was not, but was a product which consisted essentially of compounds of phosphorus, iron, manganese, calcium, potassium, quinine, and strychnine, extracts of plant drugs, sugar, alcohol, and water flavored with aromatics.

Misbranding of the said tablets was alleged for the reason that the statements "Tablets Sodium Salicylate five grains;" "Tablets * * * Arsenous Acid 1/50 Grain [blaud and strychnine composition tablets];" "Tablets Phenolph-

thalein * * * One Grain; " "Tablets * * * Acetanilid $2\frac{1}{2}$ gr. [migraine tablets]; " "Tablet * * * Nitr Glycerin 1/200 Gr;" "Tablet * * * Nitroglycerin 1/100 Gr.," borne on the labels were false and misleading in that the statements represented that the articles contained the amount of the said drug declared in the label, whereas they contained a less amount. Misbranding of the fluidextract of ergot and the tincture of aconite was alleged for the reason that the statements, "Fluidextract ergot U.S.P. tested physiologically" and "Tincture aconite U.S.P.-X * * * Assayed Physiologically," were false and misleading, since the former was not fluidextract of ergot which conformed to the physiological test laid down in the United States Pharmacopoeia and the latter was not tincture of aconite, assayed physiologically, which conformed to the test laid down in the United States Pharmacopoeia, tenth revision. Misbranding of one shipment of the Wiley's extract of cod-liver oil was alleged for the reason that the statement "Extract of Cod Liver Oil," borne on the bottle and carton label, and the statement "The Remedial and stimulating principles of the best Cod Liver Oil," also borne on the carton, were false and misleading, since the said statements represented that the article was extract of cod-liver oil, that it contained the remedial and stimulating principles of cod-liver oil; whereas the article was not extract of cod-liver oil, it did not contain the remedial and stimulating principles of the best cod-liver oil, and it was not cod-liver oil. Misbranding of both shipments of the said Wiley's extract of cod-liver oil was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle and carton labels, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for general debility, nervous prostration, phthisis, tuberculosis, emaciation, scrofula, winter cough, and bronchitis; effective as a tissue nutrient and reconstructive remedy; effective as a treatment, remedy, and cure for neurasthenia, anemia, chlorosis, nervous dyspepsia, hysteria, chronic cough, consumption, chronic bronchitis, and other chronic diseases requiring building-up treatment; and effective to restore tone and vigor to the entire system; whereas the article contained no ingredients or medicinal agents effective for the said purposes. Misbranding of Narco syrup of the hypophosphites was alleged for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective as a treatment of pulmonary tuberculosis and other affections of the respiratory organs; effective as a remedy in a wide range of diseases and as a treatment in cases of a weakened condition following attacks of severe coughs; effective as a vitalizing tonic following nervous breakdowns; effective as a combination of the constructive and nutritive properties of the principal hypophosphites; whereas the article contained no ingredients or medicinal agents effective for the said purposes.

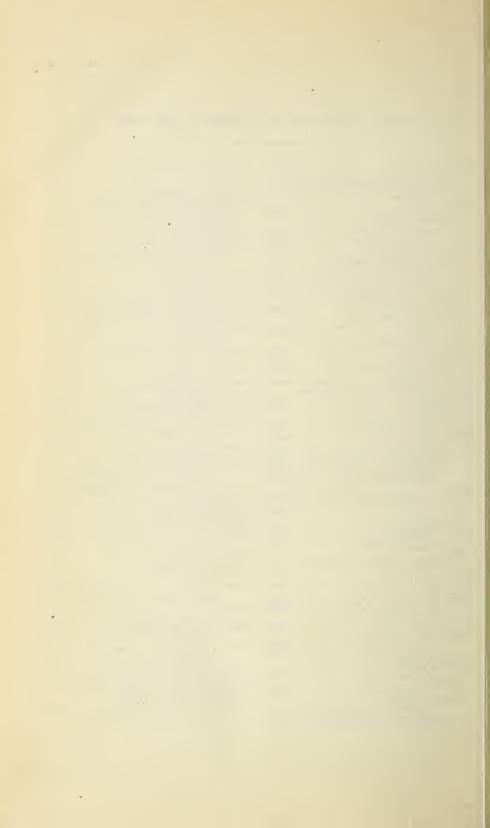
On September 19, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine

of \$200.

HENRY A. WALLACE, Secretary of Agriculture.

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N. J., F. D. 19901-20000

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

19901-20000

[Approved by the Secretary of Agriculture, Washington, D. C., May 6, 1933]

19901. Violations of the Federal food and drugs act, and conspiracy to commit an offense against the United States. U. S. v. Ferris Habib, Albert Haddad, and Malkoun J. Sayegh. Plea of guilty entered by each defendant. Ferris Habib placed on probation for 2 years. Albert Haddad sentenced to 6 months' imprisonment. Malkoun J. Sayegh sentenced to 2 months' imprisonment. (F. & D. No. 26140. I. S. No. 27914. S. No. 4366.)

On September 18, 1931, the grand jurors for the United States returned, in the United States District Court for the Southern District of New York, an indictment against Ferris Habib, alias L. Ferris, alias Louis Ferris, alias Ferris Yamen; Albert Haddad; and Malkoun J. Sayegh. The indictment contained 12 counts and charged, in counts 1, 2, and 3, violations of the food and drugs act, and in count 10, conspiracy to violate the said act. (The remaining counts charged violations of the internal revenue laws and conspiracy to violate said laws.)

The indictment charged that on or about February 9, 1931, February 17, 1931, and February 24, 1931, respectively, the defendants delivered for shipment in interstate commerce three lots consisting of 1,500 pounds each of oleomargarine which had been taken from its original oleomargine packages and placed in packages labeled "Pure Creamery Butter;" and which was intended to be and was transported in interstate commerce from New York, N. Y. to Harrisburg, Pa., in violation of section 2, title 21, of the United States Code (commonly known as the food and drugs act), which prohibits the shipment in interstate commerce of any article of food which is adulterated or misbranded.

The indictment further charged that beginning on or about September 1, 1930, and continuing up to and including the date of filing of said indictment, the defendants had combined, conspired, confederated, and agreed together to violate said Federal food and drugs act, i. e., to ship and deliver for shipment in interstate commerce from the State of New York into the State of Pennsylvania 4,500 pounds of oleomargine, which the defendants intended to misbrand and place in packages marked "Pure Creamery Butter," and that in pursuance of the conspiracy, and to effect the objects thereof, the defendants committed certain overt acts.

On January 7, 1932, the defendants each entered a plea of guilty to the indictment, and the court imposed a sentence of 6 months' imprisonment on Albert Haddad, 2 months' imprisonment on Malkoun J. Sayegh, and placed Ferris Habib on probation for 2 years.

HENRY A. WALLACE, Secretary of Agriculture.

19902. Adulteration of canned blackberries. U. S. v. 297 Cases of Blackberries. Default decree of condemnation and destruction. (F. & D. No. 27921. I. S. Nos. 21514, 23078. S. No. 5954.)

This action involved the interstate shipment of a quantity of canned black-berries, samples of which were found to contain excessive mold.

On March 18, 1932, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District

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Court of the United States for the district aforesaid a libel praying seizure and condemnation of 297 cases of canned blackberries at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce, on or about February 23, 1932, by the Valley Fruit Canning Co., from Puyallup, Wash., to Los Angeles, and reshipped to Phoenix, Ariz., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Yellow Band Brand Blackberries."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed vegetable substance.

On June 13, 1932, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19903. Adulteration of canned sardines. U. S. v. 100 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27774. I. S. Nos. 22543, 22549. S. No. 5846.)

This action involved the interstate shipment of a quantity of canned

sardines samples of which were found to be decomposed.

On February 29, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of canned sardines, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped in interstate commerce, on or about January 12, 1932, by the Van Camp Sea Food Co. (Inc.), from Terminal Island Calif., to Tacoma, Wash., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Superior Quality Blue and White Brand California Sardines Red and White Corpn. Buffalo, N. Y., Distributors, San Francisco, Cal."

It was alleged in the libel that the article was adulterated in that it con-

sisted in whole or in part of a decomposed animal substance.

On June 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19904. Adulteration and misbranding of butter. U. S. v. Ordway Creamery Co. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 27541. I. S. Nos. 31433, 31434.)

This action was based on the interstate shipment of two lots of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, and which were also found to

be short of the declared weight.

On May 12, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Ordway Creamery Co., a corporation, Ordway, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 2, 1931, from Ordway, Colo., to Raton, New Mex., of quantities of butter that was adulterated and misbranded. A portion of the article was labeled in part, "Mountain Glow Creamery Butter * * * One Pound Net," and the remainder was labeled in part: "Finest Creamery Butter * * Net Weight One Pound."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4 1923.

cent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding of the article was alleged for the reason that the statements, "Butter," "One Pound Net," and "Net Weight One Pound," borne on the packages, were false and misleading, since the said statements represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, and that each of said packages contained 1 pound net, whereas it was a product which did not contain 80 per cent by weight of milk fat, but did contain a less amount; and each of said packages did not contain 1 pound net, but did contain a less amount. Misbranding of the article was alleged for the further reason that it was food in package form and the quantity of the

contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

HENRY A. WALLACE, Secretary of Agriculture.

19905 Adulteration of tomato catsup. U. S. v. 83 Cases of Tomato Catsup. Default decree of destruction entered. (F. & D. No. 27919. I. S. No. 47533. S. No. 5956.)

This action involved the interstate shipment of a quantity of canned tomato

catsup, samples of which were found to contain excessive mold.

On March 17, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 83 cases of tomato catsup at Maryville, Mo., alleging that the article had been shipped in interstate commerce on or about November 25, 1931, by the Currie Canning Co., from Grand Junction, Colo., into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mesa Brand Tomato Catsup Packed by the Currie Canning Co. Grand Junction, Colorado."

It was alleged in the libel that the article was adulterated in that it con-

sisted in whole or in part of a filthy, decomposed, or putrid vegetable substance. On June 10, 1932, no claimant having appeared for the property, a decree was entered adjudging the property to be adulterated, and ordering that it be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19906. Adulteration and misbranding of vanilla flavor. U. S. v. 80 Bottles of Vanilla Flavor. Default decree of condemnation and destruction. (F. & D. No. 27917. I. S. No. 22346. S. No. 5959.)

This action involved the interstate shipment of a product which was an

imitation vanilla flavor and was not labeled as such.

On March 18, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 80 bottles of vanilla flavor at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about February 11, 1932, by the Universal Laboratories, Dallas, Tex., to Butte, Mont., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Goodier's De Luxe * * Vanilla Flavor * * Vanilla, Vanillin and Coumarin Compound Caramel color added. * * Manufactured by Universal Laboratories, Dallas."

It was allowed in the libel that the article was adulterated in that a cube

It was alleged in the libel that the article was adulterated in that a substance, an imitation vanilla flavor, had been substituted wholly or in part for

vanilla flavor.

Misbranding was alleged for the reason that the statements, "Goodier's De Luxe 8 ounce Vanilla Flavor * * * Manufactured by Universal Laboratories, Dallas," borne on the label, were false and misleading, since the article was an imitation of vanilla flavor.

On June 2, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product

be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19907. Adulteration of canned sweetpotatoes. U. S. v. 103 Cases of Canned Sweetpotatoes. Default decree of destruction entered. (F. & D. No. 28222. I. S. Nos. 50824, 50825, 50826. S. No. 6096.)

This action involved the interstate shipment of quantities of canned sweet-

potatoes, samples of which were found to be decomposed.

On April 21, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 103 cases of canned sweetpotatoes, remaining in the original unbroken packages at St. Joseph, Mo., alleging that the article had been shipped in interstate commerce on or about September 29, 1931, by the John W. Taylor Packing Co., from Hallwood, Va., to St. Joseph, Mo., and charging adulteration in violation of the food and drugs act. The article consisted of three different lots labeled in part, respectively: (Cans) "Red and White Brand Sweet Potatoes;" "Gypsy Boy Brand Sweet Potatoes;" "Sunflower Brand Extra Quality New Jersey Sweet Potatoes."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed vegetable substance.

On June 10, 1932, no claimant having appeared for the property, a decree was entered adjudging the product to be adulterated and ordering that it be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19908. Misbranding of canned cherries. U. S. v. 20 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. No. 27930. I. S. No. 32169. S. No. 5964.)

This action involved the interstate shipment of a quantity of canned cherries which fell below the standard promulgated by the Secretary of Agriculture for canned cherries and which failed to comply with the Federal food and drugs act,

since it was not labeled "substandard.

On March 18, 1932, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cases of canned cherries, remaining in the original unbroken packages at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about September 3, 1931, by Zion's Wholesale Grocery, from Salt Lake City, Utah, to Idaho Falls, Idaho, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Utah Fawn Brand Pitted Red Cherries packed by the Wright-Whittier Co., Ogden, Utah. * * * guaranteed by the Wright-Whittier Co. under the Food and Drugs Act, June 30, 1906."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that the liquid portion read less than 16° Brix and its label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard. Misbranding was alleged for the further reason that the following statement appearing on the label, "Guaranteed by the Wright-Whittier Co. under the Food and Drugs Act June 30, 1906, Serial No. 26100,'

was false and misleading and deceived and mislead the purchaser.

On May 10, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19909. Adulteration and misbranding of butter. U. S. v. 32 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 4170-A. F. & D. No. 28421.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard

for butter prescribed by Congress.

On or about June 2, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 cases of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce May 19, 1932, by the Monroe City Creamery Co., from Monroe City, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act. The records of this department indicate that the product was shipped from Monroe City, Mo., and the shipment was so reported to the United States attorney.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and had been substituted in part for the said article. Adulteration was alleged for the further

reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On June 21, 1932, the Waskow Butter Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19910. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 3265-A. F. & D. No. 28476.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard

for butter prescribed by Congress.

On or about June 25, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 17, 1932, by Schumacher & Son, from Jefferson, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and had been substituted in part for the said article. Adulteration was alleged for the further reason that

the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less

than 80 per cent of milk fat.

On June 30, 1932, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and all other laws.

Henry A. Wallace, Secretary of Agriculture.

19911. Adulteration of butter. U. S. v. 62 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 1605-A. F. & D. No. 28350.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard

prescribed by Congress.

On May 6, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 62 cubes of butter, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about May 3, 1932, by the American Produce Co., from Portland, Oreg., to Tacoma, Wash., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as

provided by the act of March 4, 1923.

On June 4, 1932, the American Produce Co., Portland, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the product might be reconditioned by extracting the excess moisture and thereby increasing the percentage of butterfat so that it would comply with the law, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19912. Misbranding of canned orange juice. U. S. v. Charles F. Mattlage & Sons (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 28100. I. S. No. 21167.)

This action was based on the interstate shipment of a quantity of canned orange juice, certain cans of which were found to be short of the declared volume. Examination also showed that the declaration of contents was

not made on the labels in terms of the largest unit.

On June 21, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Charles F. Mattlage & Sons (Inc.), a corporation, New York, N.Y., alleging shipment by said company in violation of the food and drugs act as amended, on or about July 8, 1931, from the State of New York into the State of Georgia, of a quantity of canned orange juice that was misbranded. The article was labeled in part: (Cans) "Honey Moon * * * Pure Orange Juice Contents not less than 56 Fl. Oz. * * * Charles F. Mattlage & Sons, Inc., New York City. Sole Distributors."

It was alleged in the information that the article was misbranded in that the statement, to wit, "Contents not less than 56 Fl. Oz.," was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since each of said cans contained less than 56 fluid ounces of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect, and for the further reason that the label failed

to state the quantity in terms of the largest unit.

On June 28, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HENRY A. WALLACE, Secretary of Agriculture.

19913. Misbranding of canned grapefruit juice. U. S. v. Roberts Bros. (Inc.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 28056. I. S. No. 28717.)

This action was based on the interstate shipment of a quantity of canned grapefruit juice, sample cans of which were found to be short of the declared

volume.

On May 10, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Roberts Bros. (Inc.), a corporation, Baltimore, Md., alleging shipment by said company in violation of the food and drugs act as amended, on or about February 5, 1931, from Jacksonville, Fla., into the State of Maryland, of a quantity of canned grapefruit juice that was misbranded. The article was labeled in part: (Cans) "Roberts Big R Brand Florida Grapefruit Juice * * Packed by Roberts Bros. Inc., Winter Haven, Fla., main office Baltimore, Md. * * * Contents 3 Pt. 8 Fl. Oz."

It was alleged in the information that the article was misbranded in that the statement "Contents 3 Pt. 8 Fl. Oz." was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since each of a large number of the cans contained less than that stated. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than the declared volume.

On June 16, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

HENRY A. WALLACE, Secretary of Agriculture.

19914. Adulteration of butter. U. S. v. 29 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. No. 1625-A. F. & D. No. 28390.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard

prescribed by Congress.

On May 26, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 cubes of butter, remaining in the original

unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 23, 1932, by Junction City Creamery, from Junction City, Oreg., to Seattle, Wash., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as

provided by the act of March 4, 1923.

On June 2, 1932, the Bradner Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the product might be reconditioned so that it would conform with the law, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19915. Misbranding of butter. U. S. v. 9 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 4904-A. F. & D. No. 28435.)

This action involved the shipment of a quantity of butter, contained in pack-

ages which failed to bear a statement of the quantity of the contents.

On June 8, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce May 28, 1932, by Downie & Dinan, from Elkader, Iowa, to Chicago, Ill., and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and

conspicuously marked on the outside of the package.

On June 21, 1932, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19916. Adulteration and misbranding of butter. U. S. v. 14 Cases of Butter. Consent decree of condemnation and forfeiture. Product re-leased under bond to be reworked. (Nos. 4165-A, 4168-A. F. & D. No. 28422.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard

for butter prescribed by Congress.

On or about June 2, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on May 18, 1932. by the Upper Dells Creamery, from Lyndon Station, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the

article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On June 13, 1932, Armour & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19917. Misbranding of butter, U. S. v. 7 Boxes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 13103-A. F. & D. No. 28380.)

Sample cartons of butter taken from the shipment involved in this action

were found to be short of the declared weight, 1 pound.

On June 6, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 7 boxes each containing fifty 1-pound cartons, and 23 cartons of butter remaining in the original packages at Washington, D. C., alleging that the article had been shipped into the District of Columbia, on or about May 24, 1932, by Markesan Creamery, from Markesan, Wis., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Markesan Creamery One Pound Pasteurized Creamery Butter Ideal * * * Markesan Wisconsin Markesan Creamery S. E. Ames, Proprietor."

It was alleged in the libel that the article was misbranded in that the statement on the carton, "One Pound," was false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the

quantity stated was not correct.

On June 20, 1932, Joseph S. Beall, Washington, D. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$120, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19918. Adulteration of butter. U. S. v. 7 Cubes of Butter. Default decree of condemnation, forfeiture, and destruction. (No. 1327-A. F. & D. No. 28313.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard

prescribed by Congress.

On April 20, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 12, 1932, by the Mutual Creamery Co., from Lewiston, Idaho, to Seattle, Wash., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "North Idaho Co-op. Cry. Lewiston."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as

provided by the act of March 4, 1923.

On June 30, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19919. Adulteration of butter. U. S. v. 2 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable associations. (No. 10525-A. F. & D. 28377.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On May 23, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 13, 1932, by the Garrison Cooperative Creamery Association, Garrison, Iowa, to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as

provided by the act of March 4, 1923.

On June 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable associations, for consumption and not for sale.

HENRY A. WALLACE, Secretary of Agriculture.

19920. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 11005-A. F. & D. No. 28424.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk

fat, the standard prescribed by Congress.

On June 7, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 24, 1932, by the Paynesville Cooperative Creamery Association, through the Paynesville, Watkins and Maple Lake Creamery Association from Paynesville, Minn., to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as

provided by the act of March 4, 1923.

S. & W. Waldbaum (Inc.), New York, N. Y., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 20, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19921. Adulteration of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 11004-A. F. & D. No. 28399.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk

fat, the standard prescribed by Congress.

On May 31, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 19, 1932, by the Farmers Creamery & Produce Co., Newell, Iowa, to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained less than 80 per cent of milk fat, the standard for butter prescribed by the act

of Congress of March 4, 1923.

Frederick F. Lowenfels & Son, New York, N. Y., interposed a claim for the product as agent for the Farmers Creamery & Produce Co., Newell, Iowa, admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of but-

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terfat. On June 6, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19922. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 10400-A. F. & D. No. 28355.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of

milk fat, the standard prescribed by Congress.

On May 12, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 5, 1932, by the Verdigre Creamery Co., from Verdigre, Nebr., to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk

fat, as provided by the act of March 4, 1923.

Gude Bros., Kieffer Co., New York, N. Y., interposed a claim for the product as agent for the Verdigre Creamery Co., Verdigre, Nebr., admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 3, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19923. Adulteration of canned shrimp. U. S. v. 200 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (No. 201-A. F. & D. No. 28272.)

This action involved the interstate shipment of a quantity of canned shrimp,

samples of which were found to be in part decomposed.

On May 4, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 cases of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about March 15, 1932, by the Texas Canners (Inc.), from Galveston, Tex., to San Francisco, Calif., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it con-

sisted partly of a decomposed animal substance.

On June 30, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19924. Adulteration of celery. U. S. v. 340 Crates of Celery. Decree of condemnation entered. Product released under bond. (No. 18176-A. F. & D. No. 28405.)

This action involved the shipment of a quantity of celery which was found to bear arsenic in an amount which might have rendered the article injurious to

health.

On May 31, 1932, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 340 crates of the said celery at Birmingham, Ala., alleging that the article had been shipped in interstate commerce, on or about May 17, 1932, by the American Fruit Growers, Los Angeles, Calif., (from Alla, Calif.) to Birmingham, Ala., and charging adulteration in violation of the food

and drugs act. The article was labeled in part: "Blue Goose Brand Celery American Fruit Growers, Los Angeles, California."

It was alleged in the libel that the article was adulterated in that it contained a poisonous ingredient, arsenic, which might have rendered it injurious

to health.

On June 3, 1932, the American Fruit Growers, claimant, having admitted the allegations of the libel and having petitioned release of the property, judgment of condemnation was entered and it was ordered by the court that the product might be released to the claimant upon the filing of a bond in the sum of \$2,000, conditioned that the arsenic be removed by washing. The decree further ordered that claimant pay all costs of the proceedings. The claimant, however, consented to the destruction of the celery, which was done under the supervision of this department.

HENRY A. WALLACE, Secretary of Agriculture.

19925. Adulteration of canned shrimp. U. S. v. 251 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (No. 877-A. F. & D. No. 28262.)

This action involved the interstate shipment of a quantity of canned shrimp,

samples of which were found to be in part decomposed.

On or about April 30, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 251 cases of canned shrimp, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 10, 1931, by the Dunbar Dukate Co. (Inc.), from New Orleans, La., to Los Angeles, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Original Dunbar Shrimp * * * Packed by Dunbar Dukate Co. Inc., New Orleans, La."

It was alleged in the libel that the article was adulterated in that it consisted

partly of a decomposed animal substance.

On June 8, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19926. Adulteration of celery. U. S. v. 155, et al., Crates of Celery. Consent decrees of condemnation, forfeiture, and destruction. (Nos. 4914-A, 4915-A, 4916-A, 4917-A, 4922-A, 4924-A, 4925-A, 4933-A, 4934-A, 4939-A, 4941-A, 4943-A, F. & D. Nos. 28458, 28460, 28461, 28462.)

These actions involved the shipment of quantities of celery that bore arsenic and lead in amounts that might have rendered the article injurious to health.

On June 10 and June 15, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 976 crates of the said celery at Chicago Ill., alleging that the article had been shipped in interstate commerce in various consignments on or about May 31, June 3, June 4, and June 8, 1932, from New Orleans, La., to Chicago, Ill., and charging adulteration in violation of the food and drugs act. The libels charged shipments by J. H. Dirman Co., J. H. Dirmann, J. H. Dirkman and J. H. Dirmann. Subsequent investigation disclosed that all shipments were made by J. & H. Dirmann, New Orleans, La.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in

amounts that might have rendered it injurious to health.

On June 18, 1932, the consignee having agreed to the entry of decrees, and no other parties having intervened, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19927. Adulteration of canned salmon. U. S. v. Sebastian-Stuart Fish Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 28044. I. S. No.

This action was based on the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On May 16, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Sebastian-Stuart Fish Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the food and drugs act, on or about August 17, 1931, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon that was adulterated.

It was alleged in the information that the article was adulterated in that it

consisted in part of a decomposed animal substance.
On June 6, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

HENRY A. WALLACE, Secretary of Agriculture.

19928. Adulteration of butter. U. S. v. 46 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 11404-A. F. & D. No. 28425.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard

provided by Congress.

On June 10, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 46 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on June 3, 1932, by the Farmers Cooperative Creamery Co. Creamery Co., of Marion, Mich., through the Remus Cooperative Creamery Co., Remus, Mich., to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight

of milk fat, as provided by the act of March 4, 1923.

The Farmers Cooperative Creamery Co., Marion, Mich., interposed a claim admitting the allegations of the libel and consenting to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 13, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all the other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19929. Adulteration and misbranding of tomato catsup. U. S. v. 132 Cases, et al., of Tomato Catsup. Default decree of condemnation, for-feiture, and destruction. (F. & D. No. 28005. I. S. Nos. 49385, 49386. feiture, and S. No. 6058.)

This action was based on the interstate shipment of a quantity of tomato catsup, samples of which were found to contain excessive mold. Samples of

the article also were found to be short weight.

On April 21, 1932, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 132 cases and 147 cases of tomato catsup at Albany, N. Y. None of the product in the 132-case lot was seized. The libel alleged that 147 cases of tomato catsup had been shipped in interstate commerce on or about February 19, 1932, by Greenabaum Bros. (Inc.), from Seaford, Del., to Albany, N. Y., and that it was adulterated and misbranded in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that it

consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements in the labeling, (case) "Two dozen bottles net contents fourteen oz. avoir each Ward Brand tomato catsup," and (bottles) "Ward quality brand Contents 14 Oz. Fancy Tomato Catsup guaranteed pure and to comply with all U.S. Food laws made from carefully selected whole tomatoes and spices," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 23, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19930. Adulteration of canned salmon. U. S. v. Kadiak Fisheries Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 27548. I. S. Nos. 22331, 22332, 22335.)

This action involved the interstate shipments of quantities of canned salmon,

samples of which were found to be tainted or stale.

On May 4, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Kadiak Fisheries Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, in part on or about July 24, 1931, and in part on or about August 15, 1931, from Kodiak, in the Territory of Alaska, into the State of Washington, of quantities of canned salmon that was adulterated. A portion of the cans were unlabeled; a portion were labeled in part, "Criterion Brand Pink Alaska Salmon Packed by Kadiak Fisheries Co.," and a portion were labeled in part, "Uncle Sam Brand Pink Alaska Salmon."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal

substance.

On June 16, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

HENRY A. WALLACE, Secretary of Agriculture.

19931. Adulteration of canned prunes. U. S. Hunt Bros. Packing Co. Plea of guilty. Fine, \$100. (F. & D. No. 27526. I. S. Nos. 11489, 19588, 23993, 24019.)

This action involved the interstate shipment of quantities of canned prunes,

samples of which were found to be decomposed.

On June 25, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Hunt Bros. Packing Co., a corporation, trading at Salem, Oreg., alleging shipment by said company in various consignments on or about October 21, November 12, December 11, 1930, and January 5, 1931, from the State of Oregon into the States of Kansas, South Dakota, Oklahoma, and California, respectively, of quantities of canned prunes that were adulterated. The article was labeled in part: "Premio [or "Feather River" or "Forest"] Brand Italian Prunes * * Hunt Brothers Packing Company * * * San Francisco, Calif."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable

substance.

On June 25, 1932, the defendant company entered a plea of guilty to all counts of the information, and the court imposed a fine of \$100.

Henry A. Wallace, Secretary of Agriculture.

19932. Adulteration of bluefins. U. S. v. 10 Boxes of Fish (Bluefins).

Default decree of condemnation, forfeiture, and destruction.

(F. & D. No. 27762. I. S. No. 50633. S. No. 5853.)

This action involved the interstate shipment of a quantity of bluefins which

were found to be infested with parasitic worms.

On or about February 19, 1932, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 boxes of fish at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about February 12, 1932, by the North Shore Fish & Freight Co., from Duluth, Minn., to Memphis, Tenn., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From North Shore Fish & Freight Co. * * * 1 Bx Bluefins."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and putrid animal substance, which rendered the

article unfit for food.

On June 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19933. Adulteration and misbranding of cheese. U. S. v. 30½ Cases of Full Cream American Cheese. Default decree of condemnation and destruction. (F. & D. No. 27326. I. S. No. 44910. S. No. 5497.)

This action was based on the interstate shipment of a quantity of cheese that was found to be deficient in fat and to contain excessive moisture.

On December 12, 1931, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed a libel praying seizure and condemnation of 301/2 cases of full cream American cheese at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce on or about October 27, 1931, from Sioux Falls, S. Dak., to Sioux City, Iowa, by the Pratt Mallory Co., and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that a substance deficient in fat and containing excessive mois-

ture had been substituted for the article.

Misbranding was alleged for the reason that the product was offered for

sale under the distinctive name of another article,

On June 4, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19934. Adulteration of butter. U. S. v. Ledyard Cooperative Creamery Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 27514. I. S. No. 37116.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk

fat, the standard prescribed by Congress.

On May 2, 1932, the United States attrorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Ledyard Cooperative Creamery Co., a corporation, Ledyard, Iowa, alleging shipment by said company, in violation of the food and drugs act, on or about July 2, 1931, from the State of Iowa into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as required by the act of March 4, 1923, which the said article purported to be.

On June 14, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

HENRY A. WALLACE, Secretary of Agriculture.

19935. Misbranding of cordials. U. S. v. 60 Bottles of Cordials. decree of condemnation, forfeiture, and destruction. (F. & D. No. 27968. I. S. Nos. 19767, 19768, 19769. S. No. 6012.)

This action involved the interstate shipment of certain so-called cordials which were found to contain insufficient fruit juices to justify their description

and sale as cordials.

On May 13, 1932, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 bottles of the said cordials, remaining in the original unbroken packages at Galveston, Tex., alleging that the articles had been shipped in interstate commerce, in part on or about November 21, 1931, and in part on or about January 30, 1932, by E. A. Zatarain & Sons (Inc.), from New Orleans, La., to Galveston, Tex., and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Shipping package) "Pa-Poose Non-Alcoholic Artificial Flavor Cordials Cherry [or "Apricot"

or "Peach"] E. A. Zatarain & Sons, Inc., New Orleans, La."

It was alleged in the libel that the articles were misbranded in that the statements on the bottles, "Pa-Poose Brand Non-Alcoholic Cordial * * * Cherry [or "Apricot" or "Peach"]," and the statements on the packages containing the bottles, "Pa-Poose Non-Alcoholic Artificial Flavor Cordials Cherry [or "Apricot" or "Peach"]," were false and misleading, since the articles did not contain a sufficient amount of fruit juices, if any, to justify labeling the products as cordials. Misbranding of the articles was alleged for the further reason that they were imitation cordials and should have been labeled as such, in that they did not contain a sufficient amount of fruit juices to constitute a cordial, since they contained negligible amounts, if any, of fruit juices.

On June 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court

that the products be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19936. Misbranding of cane sirup. U. S. v. 369 Cases, et al., of Piney Woods Brand Pure Cane Sirup. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27639, 27640. I. S. Nos. 47121, 47122, 47123, 47124, 47125, 47126. S. No. 5638.)

These actions were based on the interstate shipment of several lots of cane sirup, the labels of which bore no declaration of the quantity of contents as

required by law.

On January 7, 1932, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 879 cases of pure cane sirup, remaining in the original unbroken packages in part at Henderson, Tex., and in part at Tyler, Tex., alleging that the article had been shipped in various consignments on or about March 26, March 28, and June 12, 1931, by the Milton Cane Products Co., from Milton, La., into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Piney Woods Brand Pure Ribbon Cane Syrup Distributed by Mayfield Company."

It was alleged in the libels that the article was misbranded in that it was in package form and the quantity of the contents was not plainly and conspicu-

ously marked on the outside of the package.

On June 8, 1932, the Mayfield Co.. Tyler, Tex., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of good and sufficient bonds, conditioned that it would not be disposed of contrary to the Federal food and drugs act and all other laws. It was further ordered by the court that necessary relabeling be done under the supervision of this department.

HENRY A. WALLACE, Secretary of Agriculture.

19937. Misbranding of canned tomatoes. U. S. v. 997 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 27236. I. S. No. 37882. S. No. 5400.)

Examination of the canned tomatoes involved in this action showed that the article contained excessive peel, an excessive number of blemishes, and was low in drained weight, and that the label failed to bear a statement, as required by

law, indicating that it was substandard.

On November 12, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 997 cases of canned tomatoes, remaining in the original unbroken packages at Phinadelphia, Pa., alleging that the article had been shipped on or about September 29, 1931, by A. W. Sisk & Son, from Snow Hill, Md., to Philadelphia, Pa., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Buddy Brand Tomatoes * * * Packed by The Farmer's Canning Co. Snow Hill, Md."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated

by the Secretary of Agriculture for such canned food, since it contained an excessive amount of tomato peel, an excessive number of blemishes, and was low in drained solids, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that such canned food fell below such standard.

On June 6, 1932, A. W. Sisk & Son, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be relabeled under the supervision of this department and that it should not be sold or disposed of contrary to law.

HENRY A. WALLACE, Secretary of Agriculture.

19938. Adulteration and misbranding of canned frozen mixed eggs. U. S. v. 200 Cans, et al., of Frozen Mixed Eggs. Default decree of condemnation and destruction. (F. & D. No. 27208. I. S. Nos. 44984, 44985, 44986, 44987. S. No. 5373.)

This action was based on the interstate shipments of quantities of canned frozen mixed eggs, samples of which were found to be decomposed. The cans containing the article failed to bear a statement on the label of the quantity

of the contents.

On November 6, 1931, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 923 cans of frozen mixed eggs at Sioux City, Iowa, alleging that the article had been transported in interstate commerce from Yankton, S. Dak., in various consignments, on or about August 5, August 21, August 27, and September 14, 1931, respectively, by the Van Osdel Poultry Co., to Sioux City, Iowa, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it con-

sisted in whole or in part of a filthy, decomposed animal substance.

Misbranding was alleged for the reason that the product was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 3, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19939. Adulteration and misbranding of canned tuna fish. Cases of Canned Tuna Fish. Default decree of co forfeiture, and destruction. (F. & D. No. 27935. I. S. No. 5987.) U. S. v. 24 of condemnation, 5. I. S. No. 43163.

This action involved the interstate shipment of a quantity of canned tuna

fish, samples of which were found to be partially decomposed.

On March 22, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 cases of canned tuna fish, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about February 20, 1932, by the Halfhill Packing Corporation, from Los Angeles, Calif., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Kellogg's Brand Supreme Quality White Meat Tuna Fish * * * H. Kellogg & Sons, Distributors, Philadelphia."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement on the label, "Supreme Quality," was false and misleading and deceived and misled the purchaser.

On June 27, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that

the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19940. Adulteration of tomato catsup. U. S. v. 115 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 27725. I. S. No. 41339. S. No. 5688.)

This action involved interstate shipment of a quantity of tomato catsup,

samples of which were found to contain excessive mold.

On February 8, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 115 cases of tomato catsup, remaining in the original unbroken packages at Arkansas City, Kans., alleging that the article had been shipped in interstate commerce on or about June 25, 1931, by the Ray A. Ricketts Co., from Canon City, Colo., to Arkansas City, Kans., and charging adulteration in violation of the food and drugs act. The libel later was amended to cover 115 cases of the product.

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed vegetable substance.

On June 13, 1932, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19941. Adulteration and misbranding of canned frozen eggs. U. S. v. 17
Cans of Frozen Eggs. Default decree of destruction entered.
(F. & D. No. 27963. I. S. No. 52264. S. No. 6008.)

This action involved the interstate shipment of a quantity of canned frozen

eggs, samples of which were found to be partially decomposed.

On March 29, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 cans of frozen eggs at Detroit, Mich., alleging that the article had been shipped in interstate commerce February 25, 1931, by the Fairmont Creamery Co., from Green Bay, Wis., to Detroit, Mich., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fancy Fairmonts Frozen Fresh Eggs Mixed Whole Eggs."

It was alleged in the libel that the article was adulterated in that it

consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement on the label, "Fancy * * * Fresh Eggs," was false and misleading and deceived and misled the purchaser.

On June 9, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States

marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19942. Adulteration and misbranding of evaporated apples. U. S. v. 62
Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27740. I. S. Nos. 37235, 37236, 37237. S. No. 5793.)

This action involved the interstate shipment of quantities of evaporated apples. Samples taken from portions of the article were found to contain excessive moisture; sample packages examined from the remainder were found

short of the declared weight.

On February 12, 1932, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 62 cases of evaporated apples, remaining in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped in interstate commerce on or about November 17, 1931, by W. H. Packard, from Medina, N. Y., to Pensacola, Fla., and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Orleans Brand Evaporated Apples Packed By W. H. Packard, Rochester, N. Y." The remainder was labeled in part: (Shipping package) "50-6 oz. Cartons Thanksgiving Brand Evaporated Apples Packed By W. H. Packard, Medina, N. Y.;" (carton) "6 oz. Net Weight."

Adulteration of the Orleans brand was alleged for the resear that exposerting

Adulteration of the Orleans brand was alleged for the reason that excessive moisture, which had been mixed and packed with the article so as to reduce

and lower and injuriously affect its quality, had been substituted in part for

evaporated apples, which the article purported to be.

Misbranding of the said Orleans brand was alleged for the reason that the statement "Evaporated apples" was false and misleading and deceived and misled the purchaser, when applied to evaporated apples containing excessive moisture, and for the further reason that the article was offered for sale under the distinctive name of another product. Misbranding of the Thanksgiving brand apples was alleged for the reason that the statements on the cartons, "6 oz. net weight * * * when packed," and on the shipping packages, "50-6 oz. Cartons," were false and misleading and deceived and misled the purchaser. Misbranding of the said Thanksgiving brand apples was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the packages contained less than represented.

On June 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that

the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19943. Adulteration of canned sweetpotatoes. U. S. v. 230 Cases of Canned Sweetpotatoes. Default decree of destruction. (F. & D. No. 28021, I. S. No. 52973. S. No. 6079.)

This action was based on the interstate shipment of a quantity of canned

sweetpotatoes, samples of which were found to be partly decomposed.

On April 15, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 230 cases of canned sweetpotatoes, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about November 21, 1931, by the John W. Taylor Packing Co., from Hallwood, Va., to St. Paul, Minn., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Serv-Well Brand Sweet Potatoes."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance, and was unfit for food.

On June 11, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19944. Adulteration and misbranding of tomato catsup. U. S. v. 44 Cases of Tomato Catsup. Default decree of destruction. (F. & D. No. of Tomato Catsup. Default decre 28004. I. S. No. 50808. S. No. 6065.)

This action was based on the interstate shipment of a quantity of tomato catsup, samples of which were found to contain excessive mold. Certain cans

examined also were found to be short of the declared weight.

On April 14, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 44 cases of tomato catsup at Albany, Mo., alleging that the article had been shipped in interstate commerce on or about November 25, 1931, by the Currie Canning Co., from Grand Junction, Colo., to Kansas City, Mo., and reshipped on or about November 30, 1931, to Albany, Mo., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Mesa Brand Tomato Catsup Weight of Contents 11 Ozs. * * * Packed by the Currie Canning Co. Grand Junction, Colo."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed vegetable substance.

Misbranding of the article was alleged in that the statement on some of the cans, "Weight of Contents 11 Ozs.," was false and misleading and deceived and misled the purchaser, and for the further reason that the product was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on some of the cans was incorrect.

On June 10, 1932, no claimant having appeared for the property, a decree was entered by the court ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19945. Adulteration and misbranding of raspberry, strawberry, pineapple, blackberry, and cherry preserves and grape jam. U. S. v. H. E. Whitaker Co. Plea of guilty. Fine, \$50. (F. & D. No. 28043. I. S. Nos. 28761, 28762, 30942, 30944, 30947, 30948, 30949.)

This action was based on the interstate shipment of quantities of preserves and jam which contained undeclared added pectin. The strawberry and cherry

preserves also were found to be deficient in fruit content.

On June 15, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against H. E. Whitaker Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about March 20, 1931, from the State of Pennsylvania into the State of Maryland, of quantities of raspberry and strawberry preserves, and on or about April 13, 1931, from the State of Pennsylvania into the State of New Jersey, of quantities of grape jam and strawberry, pineapple, blackberry, and cherry preserves, which said products were adulterated and misbranded. The articles were labeled in part: (Jars) "Parfait Brand Pure Raspberry [or "Strawberry," "Pineapple," "Blackberry," or "Cherry"] Preserves [or "Grape Jam"] Made by H. B. Whitaker Co. Phila."

It was alleged in the information that the strawberry and cherry preserves were adulterated in that products deficient in fruit content and containing added undeclared pectin had been substituted for pure strawberry and cherry preserves which the articles purported to be. Adulteration of the remaining products was alleged for the reason that an undeclared substance, pectin, had been substituted in part for raspberry, pineapple, and blackberry preserves

and grape jam, which the articles purported to be.

Misbranding was alleged for the reason that the statements, "Pure Raspberry Preserves," "Pure Strawberry Preserves," "Pure Grape Jam," "Pure Pineapple Preserves," "Pure Blackberry Preserves," and "Pure Cherry Preborne on the jar labels, were false and misleading; and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted solely of pure fruit preserves and jam, whereas they were composed in part of an added undeclared substance, pectin, and the strawberry and cherry preserves were deficient in fruit. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On June 20, 1932, a plea of guilty to the information was entered on behalf

of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, Secretary of Agriculture.

19946. Adulteration and misbranding of canned shrimp. U. S. v. 192 Cases of Canned Shrimp. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 28009. I. S. Nos. 43073, 43170. S. No. 6067.)

This action involved the interstate shipment of a quantity of canned shrimp, samples of which were found to be decomposed. The article was also found

to be short of the declared weight.

On April 13, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 192 cases of canned shrimp, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 7, 1931, by the Sea Food Co., from Biloxi, Miss., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "De-Lish-Us Brand Fancy Shrimp * * * Wet Pack Contents 534 Ozs. * * * Packed by Sea Food Co., Biloxi, Miss."

It was alleged in the libel that the article was adulterated in that it consisted

in part of a decomposed animal substance.

Misbranding of the article was alleged for the reason that the statements, "Fancy Shrimp" and "Contents 5¾ Ozs.," were false and misleading and

deceived and misled the purchasers. Misbranding was alleged for the further reason that the product was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.
On June 28, 1932, the proceedings being uncontested by the sole intervener,

the Sea Food Co., Biloxi, Miss., judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19947. Misbranding of canned tomatoes. U. S. v. 700 Cases, et al., of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27750, 27751, 27752, 27753. I. S. Nos. 44459, 44460. S. No. 5743.)

These actions were based on the interstate shipments of quantities of canned tomatoes, which were found to fall below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it contained an excessive amount of green tomatoes, peel, and blemishes, and which were not labeled to show that they were substandard. Portions of the

article also were falsely labeled as to the name of the manufacturer.

On February 15, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,124 cases of canned tomatoes at Dallas, Tex. On February 16, 1932, the United States attorney for the Eastern District of Texas filed a libel against 1,072 cases of the product at Crockett, Tex. It was alleged in the libels that the article had been shipped in interstate commerce in part on or about December 26, 1931, and in part on or about December 30, 1931, by the Baron Canning Co., from Fort Smith, Ark., to Dallas, Tex., and that it was misbranded in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Cans) "Baron Brand Hand Packed Tomatoes * * * Packed by Baron Canning Co., Baron, Oklahoma." The remainder of the article was labeled in part: (Cans) "Jackson's Standard Tomatoes, * * * Packed by Jackson Canning Co., Fayetteville, Ark."

Misbranding of the article was alleged in the libels for the reason that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that it contained an excessive amount of green tomatoes, peel, and blemishes, and the labels on the cans did not bear a plain and conspicuous statement indicating that such canned goods

fell below such standard.

Misbranding was alleged with respect to portions of the article, for the further reason that the statements, "Jackson's Standard Tomatoes," and "Jackson Standard Packed by Jackson Canning Company, Fayetteville, Ark.," were

false and misleading and deceived and misled the purchaser.

On June 8, 1932, B. L. Satterwhite, Crockett, Tex., appeared as claimant for the product seized in the Eastern District of Texas. On June 17, 1932, the Killingsworth Self-Serving Stores (Inc.) and the Webster-Foster Co., both of Dallas, Tex., appeared as claimants for respective portions of the product seized in the Northern District of Texas, and consented to the entry of decrees. Judgments of condemnation and forfeiture were entered in each case, and it was ordered by the court that the product be released to the respective claimants upon payment of costs and the execution of good and sufficient bonds, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and all other laws. It was further ordered that the product be relabeled under the supervision of this department.

HENRY A. WALLACE, Secretary of Agriculture.

dulteration and misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 28035. I. S. Nos. 30755, 30768, 30769, 29911, 29912.) 19948. Adulteration

This action was based on the interstate shipment of quantities of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress. Certain cartons taken from one of the shipments also were found to be short of the declared weight.

On April 30, 1932, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Sugar Creek Creamery Co., a corporation trading at Pana, Ill.,

alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments on or about May 21, May 23, and June 4, 1931, from the State of Illinois into the State of Pennsylvania, of quantities of butter that was misbranded. A portion of the article was contained in cartons labeled in part: "Golden Grain Creamery Butter made by Golden Grain Butter Co. Cape Girardeau, Mo." A portion was contained in cartons labeled in part: "Sugar Creek Butter * * * Full Weight One Pound * * * Sugar Creek Creamery Co. * * * Danville, Ill." A portion was labeled in part: "Sugar Creek Butter Country Style Roll." The remainder was tub butter.

Adulteration was alleged in the information with respect to all shipments of the article for the reason that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight

of milk fat as defined by the act of March 4, 1923.

Misbranding of the portion of the said Sugar Creek butter contained in cartons was alleged for the reason that the statement "Full Weight One Pound," borne on each of a number of the cartons, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since each of a number of the said cartons contained less than 1 pound. Misbranding of the said portion of the Sugar Creek butter was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the stated quantity was incorrect, since some of the packages contained not more than 15.11 ounces net and the average net weight of all the packages was not more than 15.74

On June 30, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

HENRY A. WALLACE, Secretary of Agriculture,

19949. Adulteration of dried cherries. U. S. v. Crawford A. Porter. (F. M. Burnham & Co.), and Otzen Packing Co. Pleas of guilty. Fines, \$50. (F. & D. No. 27555. I. S. No. 22021.)

This action was based on the interstate shipment of a quantity of dried cherries, samples of which were found to be insect-infested, moldy, and dirty. On May 3, 1932, the United States attorney for the Northern District of

California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Crawford A. Porter, trading as F. M. Burnham & Co., and the Otzen Packing Co., a corporation, San Francisco, Calif., alleging shipment by said defendants, in violation of the food and drugs act, on or about March 14, 1931, from the State of California into the State of Maryland, of a quantity of dried cherries that were adulterated. The article was labeled in part: (Boxes) "California Dried Cherries."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable

On June 17, 1932, a plea of guilty to the information was entered on behalf of the defendant corporation and the court imposed a fine of \$25. On the same date a plea of guilty was entered by the defendant, Crawford A. Porter, and a similar fine of \$25 was imposed.

HENRY A. WALLACE, Secretary of Agriculture.

19950. Misbranding of olive oil. U. S. v. 15 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 27996. decree of condemnation, f I. S. No. 38663. S. No. 6050.)

This action involved the interstate shipment of a quantity of olive oil, sample cans of which were found to contain less than 1 gallon, the declared volume.

On April 8, 1932, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cans of olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about February 29, 1932, by Moscahlades Bros. (Inc.), from New York, N. Y., to Scranton, Pa., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in

part: (Tin) "One Gallon Elephant Brand Imported Virgin Olive Oil Embro

Import Co. Sole Distributors."

It was alleged in the libel that the article was misbranded in that the statement "One Gallon" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Gallon." was incorrect.

On May 3, 1932, Moscahlades Bros. (Inc.), a corporation of New York, intervened and filed an affidavit of ownership, claim, and answer. On June 3, 1932, the petitioner prayed the entry of an order granting leave to withdraw the said affidavit, claim appearance, and answer, which was allowed. On June 30, 1932, there being no appearance or answer of record, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the words "One Gallon" be obliterated from the cans and that the product be sold by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19951. Adulteration of cull dressed poultry. U. S. v. 9 Barrels and 1 Box of Cull Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (No. 77-A. F. & D. No. 28249.)

This action involved the interstate shipment of dressed poultry, which was

found to be in part diseased and decomposed.

On April 26, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 barrels and 1 box, totaling 2,000 pounds, of cull dressed poultry, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 16, 1932, by the Utah Poultry Producers Cooperative Association, from Salt Lake City, Utah, to San Francisco, Calif., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, and in that it was a product

of diseased animals.

On July 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19952. Misbranding of cottonseed meal. U. S. v. 42 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 28250. I. S. No. 32638. S. No. 6116.)

This action involved the interstate shipment of a quantity of cottonseed meal, samples of which were found to contain less than 43 per cent of protein, the

amount declared on the label.

On April 30, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 42 sacks of cottonseed meal at Roundup, Mont., alleging that the article had been shipped in interstate commerce on or about March 10, 1932, by Swift & Co. (Swift & Co. Oil Mill), from Little Rock, Ark., to Roundup, Mont., and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sacks) "Hayes Brand Cottonseed Meal and Cracked Screened Cottonseed Cake Net Weight 100 lbs. Guaranteed Analysis Protein 43.00%."

It was alleged in the libel that the article was misbranded in that it was represented to contain 43 per cent of protein, which was false and misleading and deceived and misled the purchaser, since the product did not have a protein

content of 43 per cent.

On July 27, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal after obliterating the brands and label.

HENRY A. WALLACE, Secretary of Agriculture.

19953. Adulteration of apples. U. S. v. 9 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. No. 28211. I. S. No. 53803. S. No. 6087.)

Arsenic and lead in amounts that might have rendered the article injurious

to health, were found on apples taken from the shipment involved in this action. On April 18, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 boxes of apples, remaining in the original and unbroken cases at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about March 25, 1932, by the Universal Fruit Co., from Wenatchee, Wash., to Cleveland, Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Boxes) "Redman Brand Wenatchee District Apples."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, to wit, arsenic and lead,

which might have rendered the product harmful to health.
On July 8, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19954. Adulteration of tomato puree and tomato catsup. U. S. v. 160 Cases of Tomato Puree, et al. Default decrees of condemnation, forfeiture, and destruction. (F & D. Nos. 28256, 28257. I. S. Nos. 53732, 53733. S. No. 6095.)

These actions involved the interstate shipment of quantities of tomato puree and tomato catsup, samples of which were found to contain excessive mold.

On April 28, 1932, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 160 cases of tomato puree and 296 cases of tomato catsup at San Antonio, Tex., alleging that the products had been shipped in interstate commerce on or about March 25, 1932, by the Currie Canning Co., from Grand Junction, Colo., to San Antonio, Tex., and charging adulteration in violation of the food and drugs act. The products were each labeled in part: (Cans) "Mesa Brand Tomato Puree [or "Tomato Catsup"] Packed by the Currie Canning Co., Grand Junction, Colo."

It was alleged in the libels that the products were adulterated in that they

consisted in part of decomposed vegetable substances.

On June 14, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19955. Adulteration and misbranding of canned cherries. U. S. v. 57 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28016. I. S. No. S. No. 6076.)

This action involved the interstate shipment of a quantity of canned cherries, samples of which were found to contain excessive pits. The article also fell below the standard for canned cherries promulgated by the Secretary of Agri-

culture, and was not labeled to indicate that it was substandard.

On April 18, 1932, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 57 cases of canned cherries, remaining in the original unbroken packages at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about December 1, 1931, by the California Packing Corporation, from Vancouver, Wash., to Sheridan, Wyo., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Springwater Brand Sour Pitted Cherries * * * Packed by Springbrook Packing Co., Springbrook, Oregon."

It was alleged in the libel that the article was adulterated in that partially

pitted cherries had been substituted for pitted cherries.

Misbranding was alleged for the reason that the article was labeled, "Springwater Brand Sour Pitted Cherries Net Weight 6 lb. 4 Oz.," which was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained partially pitted cherries, and not pitted cherries as labeled.

This department also recommended to the United States attorney that the libel charge, in addition to the above charges, that the article was further misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary for such canned food, in that the liquid portion of the finished product read less than 16° Brix, and its package or label did not bear a plain and conspicuous statement as prescribed by the Secretary, indicating that it fell below such standard.

On June 6, 1932, the Springbrook Packing Co., Springbrook, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled as "Partially Pitted Cherries," and that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19956. Adulteration of dried grapes. U. S. v. 25 Cases of Dried Grapes, Default decree of condemnation, forfeiture, and destruction. (No. 216-A. F. & D. No. 28309.)

This action involved the shipment of a quantity of dried grapes, samples

of which were found to be decomposed and insect-infested.

On May 12, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cases of dried grapes. It was charged in the libel that the article had been shipped in interstate commerce on or about May 5. 1932, by the Albert Asher Co., consigned to Kellogg, Idaho, that it was in possession of the railroad company in the original unbroken packages at Portland, Oreg., and that it was adulterated in violation of the food and drugs The article was labeled in part: "Zinfandel Dried Black Grapes Grown and packed in California."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a filthy, decomposed, or putrid vegetable substance.

On June 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19957. Misbranding of pearl tapioca. U. S. v. 107 Cases of Pearl Tapioca.

Default decree of condemnation, forfeiture, and destruction.

(F. & D. No. 28018. I. S. No. 37643. S. No. 6066.)

Sample packages taken from the shipment of tapioca involved in this action were found to contain less than 1 pound, the weight declared on the label.

On April 16, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 107 packages of pearl tapioca, remaining in the original unbroken packages at Perryville, Md., alleging that the article had been shipped on or about March 22, 1932, by the Edwin Smithson Co. (Inc.), from New York, N. Y., to Perryville, Md., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Package) "One Pound King Cole Brand Pearl Tapioca Edwin Smithson Company, Inc. Packers and Distributors New York, N. Y.

It was alleged in the libel that the article was misbranded in that the statement on the package label, "One Pound," was false and misleading and deceived and misled the purchaser, since the package contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not

On July 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

1995S. Adulteration of poultry. U. S. v. 3 Cases of Poultry. Default decree of condemnation, forfeiture, and destruction. (No. 80-A. F. & D. No. 28294.)

This action involved the shipment of a quantity of poultry that was found to

be in part diseased and decomposed.

On May 9, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three cases of the said poultry, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 16, 1932, by Swift & Co., from Portland, Oreg., to San Francisco, Calif., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it was

the product of diseased animals.

On July 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19959. Adulteration of canned shrimp. U. S. v. 50 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26729. I. S. No. 23025. S. No. 4877.)

This action involved the interstate shipment of a quantity of canned shrimp,

samples of which were found to be partially decomposed.

On July 1, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 cases of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on or about May 9, 1931, by the Pelican Lake Oyster & Packing Co., from Houma, La., to San Francisco, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "S and W Large Size Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted

in part of a decomposed animal substance.

On August 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

Henry A. Wallace, Secretary of Agriculture.

19960. Adulteration of butter. U. S. v. 21 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 1623-A. F. & D. No. 28389.

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard

for butter prescribed by Congress.

On May 25, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 23, 1932, by the Clear Creek Creamery from Portland, Oreg., to Seattle, Wash., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per

cent of milk fat, as provided by the act of March 4, 1923.

On June 6, 1932, the Clear Creek Creamery, Portland, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the product might be reconditioned so that it would conform with the law, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$275, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

19961. Adulteration and misbranding of canned tomato catsup. U. S. v. 9% Cases of Canned Tomato Catsup. Decree ordering release of product for relabeling. (F. & D. No. 28237. I. S. No. 54360. S. No. 6111.)

This action involved the interstate shipment of a quantity of canned tomato

catsup, samples of which were found to contain added gum.

On April 23, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine and one-sixth cases of canned tomato catsup at New York City, N.Y., alleging that the article had been shipped in interstate commerce on or about April 8, 1932, by Alfred Lowry & Bro., from Philadelphia, Pa., to New York, N.Y., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Kiltie Brand Tomato Catsup Contains $\frac{1}{10}$ of 1% Benzoate of Soda * * Distributors Alfred Lowry & Bro., Philadelphia, Pa."

It was alleged in the libel that the article was adulterated in that a substance, tomato catsup containing added gum, had been substituted in whole

or in part for the article.

Misbranding of the article was alleged for the reason that the statement "Tomato Catsup" was false and misleading and deceived and misled the purchaser, when applied to an article containing added gum. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article.

On June 21, 1932, no formal appearance or claim having been entered, upon the filing of an affidavit by the United States attorney showing that the goods were the property of a United States agency, the court ordered that the product be relabeled under the supervision of this department to show the presence of added gum, and released to the owner.

HENRY A. WALLACE, Secretary of Agriculture.

19962. Adulteration of alimentary pastes. U. S. v. 29 Cases of Alimentary Pastes. Default decree of destruction entered. (F. & D. No. 28295. I. S. No. 32275. S. No. 6165.)

This action involved the shipment of a quantity of alimentary pastes that

were found to be artificially colored with a yellow color simulating egg, but

with no egg present.

On May 10, 1932, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 cases of alimentary pastes, remaining in the original and unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about February 11, 1932, by Gragnano Products, (Inc.) from San Francisco, Calif., to Salt Lake City, Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Packages) "Manufactured by Gragnano Products, Inc., San Francisco, California. Semolina Spaghetti [or "Macaroni" or "Seashells"].

It was alleged in the libel that the article was adulterated in that it was

colored in a manner whereby inferiority was concealed.

On July 1, 1932, no claimant having appeared for the property, a decree was entered adjudging the product to be adulterated, and ordering that it be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19963. Adulteration and misbranding of canned tomato paste. U. S. v. Bruno Bisceglia (Bisceglia Bros.). Plea of guilty. Fine, \$20. (F. & D. No. 28080. I. S. Nos. 28427, 30538.)

This action involved the interstate shipment of quantities of canned tomato paste, samples of which were found to contain undeclared artificial color.

On July 2, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Bruno Bisceglia, a member of a copartnership trading as Bisceglia Bros., San Francisco, Calif., alleging shipment by said defendant, in part on or about November 4, 1930, and in part on or about April 21, 1931, in violation of the food and drugs act, from the State of California into the State of Massachusetts, of quantities of canned tomato paste that was adulterated and misbranded. A portion of the article was labeled in part: (Cans) "Carmen

Brand Salsa Di Pomidoro Concentrato * * * Packed for C. Carbone, Somerville, Mass. Italian Style Tomato Paste." The remainder was labeled in part: (Cans) "Pastene Brand Tomato Paste * * * Packed for Pastene Products Co. * * * Boston."

It was alleged in the information that the article was adulterated in that an artificially colored product had been substituted for tomato paste, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, "Tomato Paste" and "Salsa Di Pomidoro Concentrato," with respect to a portion of the article, and the statements, "Tomato Paste" and "Salsa" with respect to the remainder, together with the design of red ripe tomatoes, appearing on the labels, were false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements and design represented that the article was composed wholly of tomatoes, whereas it consisted in part of an undeclared added artificial color. Misbranding was alleged for the further reason that the article was offered for sale and was sold under the distinctive name of another article, "Tomato Paste."

On July 25, 1932, the defendant, Bruno Bisceglia, entered a plea of guilty to the information, and the court imposed a fine of \$20.

HENRY A. WALLACE, Secretary of Agriculture.

19964. Adulteration of butter U. S. v. 12 Cubes of Butter. Product released under bond for reworking. (No. 983-A. F. & D. No. 28472.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress.

On June 30, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 25, 1932, by the Beaver Valley Creamery Co., from Milford, Utah, to Los Angeles, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Beaver Valley Creamery, Beaver, Utah."

It was alleged in the libel that the article was adulterated in that a product

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

On July 1, 1932, Joseph Thorup, Los Angeles, Calif., having entered an appearance and claim, praying release of the property, and having furnished a cash bond in the sum of \$100, conditioned that the product should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws, the court approved the bond and ordered the product released. On July 5, 1932, the product having been reworked to the satisfaction of this department, the release was made permanent and it was ordered by the court that bond be exonerated upon payment of all costs of the proceedings.

HENRY A. WALLACE, Secretary of Agriculture.

19965. Adulteration of butter. U. S. v. 29 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 1899-A. F. & D. No. 28397.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress.

On May 27, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 24, 1932, by Farmers Cooperative Creamery, from Sandpoint, Idaho, to Seattle, Wash., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

On June 6, 1932, Loren F. Lee, Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the product might be reconditioned so that it would conform with the law, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19966. Adulteration of apples. U. S. v. 50 Boxes of Apples. Decree of condemnation, forfeiture, and destruction. (No. 5677-A. F. & D. No. 28264.)

Arsenic and lead in amounts that might have rendered the article injurious to health were found on apples taken from the shipment involved in this action.

On April 30, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 boxes of apples at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about March 17, 1932, by the Yakima Fruit Growers Association, from Selah, Wash., to Columbus, Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Big Y Brand Apples."

It was alleged in the libel that the article was adulterated in that analysis showed the presence of arsenic and lead, added poisonous or deleterious ingre-

dients that might have rendered the product harmful to health.

On June 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19967. Adulteration and misbranding of butter. U. S. v. 5 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 1626-A. F. & D. No. 28391.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress. Sample cartons were also found, upon examination, to be short of the declared weight, 1 pound.

On May 26, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five cases of butter, remaining in the original unbroken packages at Longview, Wash., alleging that the article had been shipped in interstate commerce on or about May 24, 1932, by Frye & Co., from Portland, Oreg., to Longview, Wash., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Weight One Pound Standard Grade Butter Distributor No. 11 'Mayflower."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat

as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled, "Butter" and "Weight One Pound," which was false and misleading since the product contained less than 80 per cent of milk fat, and the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly

and conspicuously marked on the outside of the package.

On June 18, 1932, Frye & Co., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the product might be reconditioned by increasing the percentage of butterfat so that it would comply with the law, and that it might be repacked to weigh 1 pound or marked to show the true quantity of the contents, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

19968. Misbranding of canned mushrooms. U. S. v. Keystone Mushroom Co. Plea of guilty. Fine, \$50. (F. & D. No. 26670. I. S. Nos. 8259, 8898, 15592, 15594, 17282, 28282.)

This case was based on the shipment of several lots of canned mushrooms which were represented on the labels as being composed of the whole mushroom, and which were found to contain an excessive amount of mushroom stems. The declaration of the quantity of contents of the cans did not appear plainly and conspicuously on the labels, as required by law.

On June 10, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Keystone Mushroom Co., a corporation, Coatesville, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, of quantities of canned mushrooms that were misbranded. The information charged two shipments by the defendant from Pennsylvania into Ohio on or about December 3 and December 4, 1930, respectively; one shipment from Pennsylvania into Illinois, on or about October 28, 1930, and three shipments from Pennsylvania into New York on or about November 8, 1930, December 1, 1930, and February 28, 1931. Five of the six shipments were labeled in part: (Can) "Hotels Keystone Mushrooms. The Famous [design of whole mushroom] Snow White * * * Keystone Mushroom Co. Inc. Coatesville, Pa." The remaining shipment was labeled in part: (Can) "Hotels Desire American Hothouse [design of whole mushrooms] Mushrooms Pennsylvania Mushroom Co. Philadelphia, Pa." The can label of both brands bore, aside from the main labeling, the statement in small inconspicuous type: "This can contains 8 oz. Net of Cooked Mushrooms."

Misbranding of the article was alleged in the information for the reason that the statement "Mushrooms," together with the design showing whole mushrooms, borne on the can labels, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statement and design represented that the article was whole mushrooms, containing a normal proportion of all edible parts of whole mushrooms; whereas it was not as represented, but was, in five of the six lots, a product containing a very excessive proportion of mushroom stems and was in the remaining lot, a product containing a very excessive proportion of mushroom stems and an excessive proportion of pieces of mushroom caps. Misbranding was alleged with respect to five of the six shipments for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of the quantity of the contents was made on the label in so small and inconspicuous type as to be unnoticed except upon close examination.

On June 21, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, Secretary of Agriculture.

19969. Adulteration of dressed poultry. U. S. v. 1 Barrel Containing 55 Cull Chickens. Default decree of condemnation, forfeiture, and destruction. (No. 90-A. F. & D. No. 28273.)

This action involved the shipment of a barrel of poultry that was found

to be in part diseased and decomposed.

On May 4, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one barrel containing 55 cull chickens, remaining in the original unbroken container at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 20, 1932, by the Idaho Egg Producers, from Caldwell, Idaho, to San Francisco, Calif., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that

it was a product of diseased animals.

On June 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

19970. Adulteration of cabbage. U. S. v. 3 Tons of Cabbage. Default decree of destruction. (No. 2587-A. F. & D. No. 28334.)

This action involved the interstate shipment of a quantity of cabbage found to bear arsenic in an amount that might have rendered the article injurious to health.

On May 10, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3 tons of cabbage at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 29, 1932, by the Louisiana Farm Bureau Selling Exchange, from Lockport, La., to Minneapolis, Minn., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or other added deleterious ingredient, namely, arsenic,

which might have rendered the article injurious to health.

On June 7, 1932, the United States attorney petitioned the court for an order permitting destruction of the goods by the health authorities of Minneapolis, in view of the fact that it had become decomposed and constituted a nuisance. On the same date the order prayed for was granted by the court.

HENRY A. WALLACE, Secretary of Agriculture.

19971. Adulteration of canned shrimp. U. S. v. 18 Cases of Canned Shrimp.

Default decree of destruction entered. (F. & D. No. 27938. I. S. No. 32264. S. No. 5986.)

This action involved a shipment of canned shrimp, samples of which were

found to be decomposed.

On March 21, 1932, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 cases of canned shrimp, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about January 27, 1932, by Dorgan McPhillips Packing Corporation, from Biloxi, Miss., to Salt Lake City, Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Alabama Brand Shrimp * * * Packed by Dorgan McPhillips Packing Corp., Mobile, Ala."

It was alleged in the libel that the article was adulterated in that it con-

sisted wholly or in part of a decomposed animal substance.

On July 1, 1932, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19972. Adulteration of apples. U. S. v. 756 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (No. 8204-A. F. & D. No. 28353.)

Apples taken from the shipment involved in this action were found to bear arsenic in an amount that might have rendered the article injurious to health.

On May 9, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of apples, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 29, 1932, by Wenatchee Produce Co., from Wenatchee, Wash., to Philadelphia, Pa., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have

rendered it harmful to health.

On June 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

19973. Adulteration of cabbage. U. S. v. 14,000 Pounds of Cabbage. fault decree of condemnation, forfeiture, and destruction. 6546-A. F. & D. No. 28336.) (No.

This action involved the interstate shipment of a quantity of cabbage which was found to bear arsenic in an amount which might have rendered the article

injurious to health.

On May 10, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14,000 pounds of cabbage at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about May 3, 1932, by M. E. Girard, from Lafayette, La., to St. Louis, Mo., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained a poisonous substance, to wit, arsenic, which might have rendered the

article injurious to health.

On June 23, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

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19974. Adulteration and misbranding of canned pitted red cherries. U. S. v. 41 Cases, et al., of Pitted Red Cherries. Default decrees of condemnation, forfeiture, and sale. (Nos. 8137-A, 8138-A. F. & D. Nos. 28344, 28345.)

These actions involved the interstate shipment of quantities of canned pitted red cherries, samples of which were found to contain excessive amounts of pits.

On May 5, 1932, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 47 cases of pitted red cherries, remaining in the original unbroken packages at York, Pa., alleging that the article had been shipped in interstate commerce in various consignments on or about March 26, 1932, by the Webster Canning Co. (Webster Canning & Preserving Co. (Inc.)), from Webster, N. Y., to Baltimore, Md., and were reshipped from Baltimore, Md., on April 2, April 15, and April 21, 1932, by A. J. Harris & Co., to York, Pa., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Pitted Red Cherries * Packed for A. J. Harris & Co., Baltimore, Md. * * * Water Pack."

It was alleged in the libels that the product was adulterated in that cherries containing excessive pits had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Pitted Red Cherries," was false and misleading and deceived and misled the

purchaser thereof.

On June 30, 1932, no appearance or answer having been entered or filed, judgment of condemnation and forfeiture was ordered by the court, and it was further ordered and decreed that the word "Pitted" be obliterated from the labels, and the product relabeled "Red Cherries With Excessive Pits," and sold by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19975. Adulteration and misbranding of olive oil. U. S. v. Twenty-seven 1-Gallon Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (No. 10301-A. F. & D. No. 28276.)

This action involved the shipment of a quantity of alleged olive oil, samples of which were found to contain little or no olive oil, and to be short weight. The article was labeled to convey the impression that it was a foreign product,

whereas it was wholly or in large part of domestic manufacture.

On May 5, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-seven 1-gallon cans of alleged olive oil, remaining in the original and unbroken packages at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about February 2, 1932, by Korbro Oil Co. (Inc.), from Brooklyn, N. Y., to Newark, N. J., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Orazi and Curiazi Olive Oil Distributed by I. Nuccio Orazi and Curiazi Olive Oil Co. Net Contents One Gallon * * A Compound Olive Oil * * * A Compound Olio D'Oliva."

It was alleged in the libel that the article was adulterated in that other oil with little or no olive oil had been mixed and packed with and substituted in

whole or in part for the article.

Misbranding was alleged for the reason that the statements on the label, "Net Contents One Gallon," "Olive Oil," and "Olio-d'Oliva," were false and misleading and deceived and misled the purchaser, when applied to an article short of the declared volume and containing little or no olive oil. Misbranding was alleged for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that

the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19976. Misbranding of canned red beans, canned kidney beans, canned pumpkin, canned hominy, canned lima beans, canned corn, and canned spaghetti; and adulteration and misbranding of canned sauerkraut. U. S. v. 74 Cases of Canned Red Beans, et al. Decrees of condemnation and forfeiture. Products released under bond. (Nos. 2015-A, 2020-A to 2025-A, incl., 2076-A, 2077-A, 2101-A, 2102-A, 2122-A to 2124-A, incl., 2151-A, 2352-A. F. & D. Nos. 28454, 28497, 28514, 28533 to 28539, incl., 28587 to 28590, incl.)

Sample cans taken from each of the shipments of canned goods involved in these actions were found to contain less than the declared weight. Samples taken from one of the two shipments of canned sauerkraut also were found

to be unsterile and decomposed.

On July 13, July 27, August 1, and August 8, 1932, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 74 cases of canned red beans, 108 cases of canned kidney beans, 205 cases of canned pumpkin, 73 cases of canned sauerkraut, 275 cases of canned hominy, 76 cases of canned lima beans, 6 cases of canned corn, and 6 cases of canned spaghetti, which products had been shipped in interstate commerce into the State of Colorado by the Otoe Food Products Co., Nebraska City, Nebr. It was alleged in the libels that the articles had been shipped in part from Nebraska City, Nebr., and in part from Hamburg, Iowa, between the dates of November 9, 1929 and May 14, 1932, that they remained in the original unbroken packages in various lots at Trinidad, Pueblo, Minnequa, Colorado Springs, and Denver, Colo., respectively, and that they were misbranded in violation of the food and drugs act as amended. On October 29, 1932, the libel filed against the 73 cases of sauerkraut was amended to add the charge that 61 cases of the article also were adulterated. The articles were labeled in part, variously: (Cans) "Jonquil Brand Red Beans, Contents 1 Pound;" "Pallas Brand Red Kidney Beans. Contents 1 Pound;" "Nature's Best Brand Sauerkraut Net Weight 1 Lb. 1½ Oz. * * * Packed by Otoe Food Products Co. Nebraska City, Nebraska;" "Silver Brand Sauerkraut Net Weight 16 ozs.;" "Shepard Red Kidney Beans, Net Weight 1 Pound;" "Aboveall Brand Red Kidney Beans, Contents 1 Pound;" "Shepard Lye Hominy Net Weight 1 Pound;" "Y B Your Best Brand Beaby Lima Beans, Net Weight 1 lb. 2 ozs.;" "Y B Your Best Brand Baby Lima Beans, Net Weight 1 lb. 2 ozs.;" "Y B Your Best Brand Fancy Narrow Grain Sugar Corn Net Weight 1 lb. 2 ozs.;" "Y B Your Best Brand Spaghetti Contents 1 Lb. Packed by Hamburg Canning Co. Hamburg, Iowa."

It was alleged in the libels that the articles were misbranded in that the statements, "Contents 1 Pound," "Net Weight 1 Pound," and "Net Weight 16 ozs.," appearing on the labels of respective portions of the canned red kidney beans; the statement "Net Weight 1 lb. 1½ ozs.," on the label of the canned pumpkin; the statements "1 Lb. 1½ ozs.," and "16 ozs.," on the labels of respective portions of the canned sauerkraut; the statement "Net Weight 1 lb. 2 ozs.," on the labels of the canned lima beans and the canned corn; the statement "Contents 1 lb.," on the labels of the canned spaghetti;

the statements "Net Weight 1 Lb. 2 oz." and "Net Weight 1 Pound," on the labels of respective portions of the canned hominy, and the statement "Contents 1 Pound," on the label of the canned red beans, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated on the labels was incorrect.

Adulteration was alleged with respect to 61 cases of Nature's Best sauerkraut for the reason that it consisted in whole or in part of a filthy, decom-

posed, or putrid vegetable substance.

On August 12, August 23, September 17, October 6, and October 29, 1932, the Brown Bros. Brokerage Co., a Colorado corporation, having appeared as claimant for the property, and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered. It was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$3,375, conditioned that they be relabeled under the supervision of this department and that they should not be sold or otherwise disposed of in violation of the laws of the United States or the State of Colorado. It was further ordered that all cans of the said Nature's Best sauerkraut that were found to be decomposed, be destroyed.

HENRY A. WALLACE, Secretary of Agriculture.

19977. Adulteration and misbranding of butter. U. S. v. 43 Cubes of Butter. Product released under bond for reworking. (No. 1099-A. (No. 1099-A. ter. Product re F. & D. No. 28457.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent of milk fat, the

standard prescribed by Congress.

On June 22, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 18, 1932, by the Valley Creamery (Ltd.), from Milford, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Butter Keep Cool * * * Valley Creamery, Ltd., Milford, Utah."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in

part for butter.

Misbranding of the article was alleged for the reason that it was labeled butter, which was false and misleading, since it contained less than 80 per cent

of milk fat.

On July 13, 1932, the Lucerne Cream & Butter Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$500, a decree was entered ordering that the product be delivered to the claimant for reworking under the supervision of this department. On July 28, 1932, the product having been reworked, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

HENRY A. WALLACE, Secretary of Agriculture.

dulteration and misbranding of butter. U. S. v. 18 Cases of Butter. Consent decree of condemnation and forfeiture. Product re-leased under bond for reworking. (No. 4169-A. F. & D. No. 28420.) 19978. Adulteration and misbranding of butter.

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On June 2, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 13, 1932, by the Stanford Creamery Co., from Stanford, Ky., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold and shipped as, and labeled butter, which was false and misleading, since it

contained less than 80 per cent of milk fat.

On June 21, 1932, the Waskow Butter Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act, or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, Secretary of Agriculture.

19979. Adulteration and misbranding of cheese. U. S. v. 68 Cheeses. fault decree of condemnation, forfeiture, and destruction. 8076-A, 8078-A, 8080-A. F. & D. No. 28361.)

This action involved the shipment of quantities of cheese that was found

to contain excessive moisture and to be deficient in fat.

On May 26, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 68 cheeses, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 11, 1932, by F. F. Marquardt, from Stratford, Wis., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: * * Department of Agriculture Wisconsin State "Wisconsin Factory * Brand."

It was alleged in the libel that the article was adulterated in that a substance containing excessive moisture had been substituted in whole or in part

for cheese, which the article purported to be.

Misbranding was alleged in the libel for the reason that the article was offered for sale under the distinctive name of another article, since it was invoiced as "Twins" and "D Daisies," and was sold under a contract containing the provision, "This cheese to be Wisconsin State Brand quality white cheese." cheese.

On July 20, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court

that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19980. Adulteration of walnut meats. U. S. v. 9½ Boxes of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (Nos. 2048-A, 2049-A. F. & D. No. 28381.)

This action involved the shipment of a quantity of walnut meats, samples

of which were found to be in part decomposed, moldy, and wormy.

On June 6, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of nine and one-half boxes of walnut meats, remaining in the original unbroken packages at Denver, Colo., consigned by Leon Mayer, Los Angeles, Calif., alleging that the article had been shipped in interstate commerce from Los Angeles, Calif., to Denver, Colo., in part on or about April 8, 1932 and May 16, 1932, respectively, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it con-

sisted in whole or in part of a filthy, decomposed, or putrid vegetable substance. On August 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

19981. Adulteration and misbranding of butter. U. S. v. 127 Pounds, et al., of Butter. Consent decree of condemnation. Product released under bond. (Nos. 2682-A, 2683-A. F. & D. Nos. 28579, 28580.)

These cases involved the interstate shipment of quantities of print and tub butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress. The packages containing a portion of the print butter were not labeled with a statement of the quantity

of the contents.

On July 11, 1932, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,639 pounds of butter at Dubuque, Iowa. It was alleged in the libels that the article had been shipped in interstate commerce, on or about July 5, 1932, by Reginald J. Smith, owner of the Scales Mound Creamery, from Scales Mound, Ill., to Dubuque, Iowa, that it was adulterated, and that a portion also was misbranded in violation of the food and drugs act as amended. A portion of the print butter was labeled in part: "Scales Mound Superior Brand Butter." The remainder of the print butter was unlabeled.

Adulteration of the article was alleged in the libels for the reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent

of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged with respect to a portion of the print butter for the reason that it was in package form and was not labeled to show the net

weight of the contents of the packages.

On July 27, 1932, the Scales Mound Creamery, Scales Mound, Ill., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$500, conditioned in part that it should not be sold or otherwise disposed of until made to comply with the Federal food and drugs act, under the supervision of this department.

HENRY A. WALLACE, Secretary of Agriculture.

19982. Adulteration of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 11877-A. F. & D. No. 28489.)

This case involved a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter

prescribed by Congress.

On July 8, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on June 28, 1932, by the Knoxville Cooperative Creamery, from Knoxville, Iowa, to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained less than 80 per cent of milk fat, the standard provided by act of March

4, 1923.

The Krenrich-Britten Co. (Inc.), New York, N. Y., interposed a claim for the property as agent for the Knoxville Cooperative Creamery, Knoxville, Iowa, admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On July 14, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that it comply with the requirements of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19983. Adulteration of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (No. 11360-A. F. & D. No. 28481.)

This case involved a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress.

On June 27, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce, on June 19, 1932, by the Exeland Cooperative Creamery Co., from Exeland, Wis., to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained less than 80 per cent of milk fat, the standard provided by the act of March 4,

1923.

On July 27, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable institutions for consumption and not for sale.

HENRY A. WALLACE, Secretary of Agriculture.

19984. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 11369-A. F. & D. No. 28482.)

This action involved a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter pre-

scribed by Congress.

On June 30, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on June 22, 1932, by the Worthington Farmers Cooperative Creamery Co., of Worthington, Iowa, through the F. J. Tobin Co., from Worthington, Iowa, to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as

provided by the act of March 4, 1923.

Michael J. Kaytor, interposed a claim for the product as agent for the Gearon-Anderson Farm Products Co. (Inc.), New York, N. Y., admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On July 11, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19985. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 11890-A. F. & D. No. 28582.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat,

the standard prescribed by Congress.

On July 13, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 tubs of butter at Newark, N. J., consigned about July 5, 1932, alleging that the article had been shipped in interstate commerce by the Larson Dairy, from Buffalo, Minn., to Newark, N. J., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as

provided by the act of March 4, 1923.

On July 29, 1932, the Larson Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court

that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19986. Adulteration of dressed poultry. U. S. v. 1 Barrel of Poultry. fault decree of condemnation, forfeiture, and destruction. 102-A. F. & D. No. 28301.) Des (No.

This action involved the shipment of a barrel of dressed poultry that was

found to be in part emaciated and diseased.

On May 10, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 barrel of poultry, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 27, 1932, by Idaho Egg Producers, from Caldwell, Idaho, to San Francisco, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Barrel) "37 Culls."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it was

a product of diseased animals.

On July 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19987. Adulteration of dressed poultry. U. S. v. 5 Boxes of Poultry. fault decree of condemnation, forfeiture, and destruction. 153-A. F. & D. No. 28325.) De-(No.

This action involved the shipment of five boxes of dressed poultry which

was found to be in part decomposed.

On May 16, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five boxes of poultry, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 7, 1932, by the Shook Produce Co., from Portland, Oreg., to San Francisco, Calif., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a decomposed animal substance.
On July 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19988. Adulteration of dried split prunes. U. S. v. 464 Boxes of Prunes. Default decree of condemnation, forfeiture, and destruction. (Nos. 1405-A, 1406-A. F. & D. No. 28311.)

This action involved the shipment of a quantity of dried split prunes,

samples of which were found to be in part wormy, decayed, and dirty.

On May 23, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 464 boxes of prunes, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about April 23, 1932, by Paulus Bros. Packing Co., from Salem, Oreg., to Brooklyn, N. Y., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Box) "Split Prunes."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a filthy, decomposed, and putrid vegetable substance.

On July 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

19989. Misbranding of oil. U. S. v. Seven 1-Gallon Cans, et al., of Oil. Default decree of condemnation, forfeiture, and destruction. (Nos. 10241-A, 10242-A, 10243-A, 10244-A. F. & D. No. 28360.)

This action involved the shipment of quantities of oil, sample cans of which were found to contain less than 1 gallon, the declared volume. The article was labeled to convey the impression that it was a foreign product, whereas it was

of domestic origin.

On May 27, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifty-eight 1-gallon cans of oil, remaining in the original and unbroken packages at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 3, 1932, by the Tricolore Importing Co., from New York, N. Y., to Newark, N. J., and charging misbranding in violation of the food and drugs act as amended.

The article consisted of four lots labeled in part, variously: (Cans) "Qualita Superiore Olio Puro Guarantito Sotto Qualsiasi Analisi Chimica 1 Gallon Net * * Cottonseed Oil;" "Olio Finissimo Winterpressed Cottonseed Salad Oil Flavored Slightly with Pure Olive Oil Net Contents Full Gallon;" "La Vergine Brand Finest Quality Oil Lucca Net Contents One Gallon;" and "Finest Quality Table Oil Tipo Termini Imerese Compound Cottonseed Oil Slightly Flavored with Olive Oil Contents One Gallon." The labels also bore various designs of olive trees. Italian flags, or mans of Italy Sicily and Tripoli

various designs of olive trees, Italian flags, or maps of Italy, Sicily, and Tripoli. It was alleged in the libel that the article was misbranded in that the statements, (7 cans) "1 Gallon Net," (21 cans) "Net Contents Full Gallon" and "Cottonseed Salad Oil flavored slightly with pure Olive Oil," (19 cans) "Net Contents One Gallon" and "Lucca," (11 cans) "Contents One Gallon" and "Compound Cottonseed Oil Slightly Flavored with Olive Oil," together with the designs of olive trees, Italian flags, maps of Italy, Sicily, and Tripoli, appearing on the labeling, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that

the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19990. Adulteration and misbranding of oil. U. S. v. Thirty 1-Gallon Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (No. 10246-A. F. & D. No. 28356.)

This action involved the shipment of a product represented to be olive oil compounded with cottonseed oil, which was labeled to convey the impression that it was of foreign origin, and which was found to be of domestic manufacture containing little, if any, olive oil. Sample cans also were found upon

examination to contain less than 1 gallon, the declared volume.

On May 25, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirty 1-gallon cans of alleged olive oil, remaining in the original and unbroken packages at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 25, 1932, by the Uddo Taormina Corporation, from Brooklyn, N. Y., to Newark, N. J., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Contents One Gallon Olive Oil Compounded with Cottonseed Oil Italy Brand Trade Mark Italy Brand."

It was alleged in the libel that the article was adulterated in that a mixture containing little or no olive oil had been substituted in whole or in part for

the article.

Misbranding was alleged for the reason that the statements, "Contents One Gallon," "Italy," and (in prominent type) "Olive Oil," appearing on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article; for the further reason that it purported to be a foreign product when not so; and for the further reason

that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

·HENRY A. WALLACE, Secretary of Agriculture.

1999. Adulteration and misbranding of canned tomatoes. U. S. v. 195 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond for relabeling. (No. 6161-A. F. & D. No. 28298.) U. S. v. 195

This action involved the shipment of a quantity of canned tomatoes, samples

of which were found to be below the grade indicated on the label.

On May 10, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 195 cases of canned tomatoes, remaining in the original unbroken packages at Concordia, Kans., alleging that the article had been shipped in interstate commerce on or about October 21, 1931, by the Rush Canning Co., from Cassville, Mo., to Concordia, Kans., and charging adulteration and mis-branding in violation of the food and drugs act. The article was labeled in part: (Cans) "Shamrock Brand Fancy Blood Red Tomatoes."

It was alleged in the libel that the article was adulterated in that tomatoes below the grade indicated on the label had been substituted for Fancy to-

matoes, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement on the label, "Fancy Tomatoes," was false and misleading and deceived and

misled the purchaser.

On July 23, 1932, the Concordia Mercantile Co., Concordia, Kans., having appeared as claimant for the property and having filed bond in conformity with section 10 of the act, judgment of condemnation was entered and it was ordered by the court that the product be relabeled by the claimant so as to comply with the food and drugs act, and that upon inspection and approval by this department and payment of costs, the product be released and the bond discharged.

HENRY A. WALLACE, Secretary of Agriculture.

19992. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. fault decree of forfeiture and destruction. (No. 16312-A. F. & D. No. 28854.)

Samples of blueberries taken from the shipment herein described were found

to contain maggots.

On August 19, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 18, 1932, alleging that the article had been shipped in interstate commerce by Warren Pert, from Sargentville, Me., to Boston, Mass., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From Warren M. Pert, No. Sedgwick, Maine."

It was alleged in the libel that the article was adulterated in that it con-

sisted in part of a filthy, decomposed, and putrid vegetable substance. On September 1, 1932, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

1993. Adulteration and misbranding of butter. U. S. v. 8 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (Nos. 177-A, 178-A. F. & D. No. 28581.)

This case involved the shipment of quantities of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress. A portion of the article also was found to be short weight.

On July 7, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about June 13, 1932, by Fergus County Creamery (Inc.), from Lewistown, Mont., to San Francisco, Calif., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Armour's Cloverbloom Full Cream Butter." A portion of the prints were labeled, "2 Lbs. Net Weight," and the remainder were labeled, "1 Lb. Net Weight."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of butterfat had been substituted for the said

article.

Misbranding was alleged for the reason that the article was labeled "Butter," which was false and misleading and deceived and misled the purchaser, when applied to a product containing less than 80 per cent of butterfat. Misbranding was alleged with respect to the portion of the product labeled "1 Lb. Net Weight," for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of the quantity of the contents

was not correct.

On August 15, 1932, Armour & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

19994. Adulteration of butter. U. S. v. 20 Cases of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (No. 13613-A. F. & D. No. 28627.)

This case involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard

prescribed by Congress.

On July 26, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cases of butter, remaining in the original unbroken packages at Riverside, Calif., alleging that the article had been shipped in inerstate commerce on or about July 23, 1932, by the Delta Vailey Creamery Co., from Delta, Utah, to Riverside, Calif., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or

in part for butter.

An August 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The court, having found that the product was fit for human consumption, ordered that it be delivered to a charitable institution for use and not for sale.

HENRY A. WALLACE, Secretary of Agriculture.

19995. Adulteration and misbranding of figs. U. S. v. 15 Cases, et al., of Figs. Decrees of condemnation, forfeiture, and destruction. (No. 363-A. F. & D. No. 28631.)

These actions involved the shipment of quantities of figs that contained dead insects and other evidence of insect infestation. The packages containing a portion of the article bore no statement of the quantity of the contents.

On August 10, 1932, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 25 cases of figs at Honolulu, Hawaii, consigned by Theo. H. Davies & Co. (Ltd.), San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about August 3, 1932, to Honolulu, in the Territory of Hawaii, and charging that the article was adulterated, and

that a portion also was misbranded in violation of the food and drugs act as amended. The article was labeled in part: "Otzen's Choice Strictly California Black Figs, Packed by Otzen Packing Co., San Francisco, Cal." the cases also were labeled with the statement: "25 Lbs. Net."

It was alleged in the libels that the article was adulterated in that it con-

sisted of a filthy, decomposed, and putrid animal and vegetable substance.

Misbranding was alleged with respect to 10 cases of the product for the reason that the packages were not plainly and conspicuously marked on the outside in terms of weight, measure, or numerical count.

On August 22, 1932, Theo. H. Davies & Co. (Ltd.), San Francisco, Calif., having entered an appearance as claimant and owner of the property and having admitted the material allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed.

HENRY A. WALLACE, Secretary of Agriculture.

19996. Misbranding of pearl tapioca. U. S. v. 109 Cases of Tapioca. fault decree of condemnation, forfeiture, and destruction. 3079-A. F. & D. No. 28263.)

Sample packages taken from the shipment of tapioca involved in this action were found to contain less than 1 pound, the weight declared on the label.

On May 3, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 109 cases of pearl tapioca at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 19, 1932, by Edwin Smithson Co. (Inc.), from New York, N. Y., to Chicago, Ill., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Package) "One Pound King Cole Brand Pearl Tapioca Edwin Smithson Company, Inc., Packers and Distributors, New York, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the package label, "One Pound," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package,

since the statement made was not correct.

On August 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, Secretary of Agriculture.

19997. Adulteration of butter. U. S. v. 10 Tubs of But of condemnation and forfeiture. Product rel be reworked. (No. 11876-A. F. & D. No. 28488.) U. S. v. 10 Tubs of Butter. Consent decree orfeiture. Product released under bond to

This case involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard

for butter prescribed by Congress.

On July 8, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on June 27, 1932, by the Gackle Creamery Co., from Gackle, N. Dak., to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained less than 80 per cent of milk fat, the standard provided by the act of

March 4, 1923.

John M. Reilly, New York, N. Y., interposed a claim for the product as agent for the Gackle Creamery Co., Gackle, N. Dak., admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On July 11, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws.

1998. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 11878-A. F. & D. No. 28490.)

This case involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the

standard prescribed by Congress.

On July 8, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on June 25, 1932, by the Reinbeck Farmers Creamery Co., from Reinbeck, Iowa, to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained less than 80 per cent by weight of milk fat, the standard provided by the act of

March 4, 1923.

The Reinbeck Farmers Cooperative Creamery Co., Reinbeck, Iowa, interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On July 12, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked so that it comply with the requirements of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, Secretary of Agriculture.

1999. Misbranding of canned tomatoes. U. S. v. 183 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond to be brought into compliance with the law. (Nos. 13205-A, 13245-A. F. & D. No. 28594.)

This action involved the shipment of a quantity of canned tomatoes which were labeled "Standard," and which, because of the poor color of the article and the excess peel present, should have been labeled to show that it was sub-

standard.

On August 5, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying Seizure and condemnation of 183 cases of canned tomatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about June 27, 1932, by the Mississippi Canning Co., from Crystal Springs, Miss., to New Orleans, La., and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand Standard Tomatoes * * * Packed by Mississippi Canning Company, Crystal Springs, Miss."

It was alleged in the libel that the article was misbranded in that the state-

It was alleged in the libel that the article was misbranded in that the statement on the label, "Standard," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article fell below the standard of quality and condition promulgated by the Secretary of Agriculture for canned tomatoes, because of poor color and excessive peel, and its label did not bear a plain and conspicuous statement prescribed by the said Secretary, indicating that the article fell below such standard.

On August 18, 1932, A. Glorioso, New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled or reconditioned under the supervision of this department, and that it should not be sold or disposed of without having been inspected and found to be in compliance with the law.

HENRY A. WALLACE, Secretary of Agriculture.

20000. Adulteration and misbranding of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 3931-A. F. & D. No. 28487.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On June 30, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 21, 1932, by the Boscobel Creamery Co., from Boscobel, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "butter," which was false and misleading, since it contained less than 80 per cent of milk fat.

On July 11, 1932, C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to law.

